

- 1 Teton County Development Code (TCDC)
- 2 An Amendment to Teton County Code
- 3 Titles 02, 07, 08, 09, 10, 11, 12, and 13
- 4
- 5 August 15, 2013
- 6 Draft Version 1.0
- 7

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**CHAPTER 1**      General Provisions

**08-1-1:**      **Short Title.** This title shall be known as the TETON COUNTY ZONING ORDINANCE.

**08-1-2:**      **Authority.** This title is adopted pursuant to the authority granted by Chapter 65, Title 67 of the Idaho Code, and Article 12, Section 2 of the Idaho constitution, as amended or subsequently codified.

**08-1-3:**      **What This Chapter Does.** This chapter establishes the purpose of this Ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, establishes certain vested rights during the transition from the previous ordinance, provides rules for the continuation of nonconforming uses, and establishes rules for its interpretation and review.

**08-1-4:**      **Purpose.** The purpose of this Ordinance shall be to promote the health, safety, and general welfare of the people of Teton County by fulfilling the purposes and requirements of the Idaho Local Land Use Planning Act and implementing the adopted Teton County Comprehensive Plan. Specific statements of purpose accompany selected provisions of this Ordinance, but the Comprehensive Plan provides the full statement of the County's purpose and intent in planning and zoning activities.

**08-1-5:**      **Authority.** This Ordinance is adopted pursuant to the authority granted by the Idaho Local Land Use Planning Act. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Land Use Planning Act, including the provision for variances required by I.C.67-6516, the adoption of procedures for processing permits required by I.C. 67-6519, and the adoption of a hearing procedure required by I.C. 67-6534.

**08-1-6:**      **Conflicting Ordinances Repealed.** So far as the provisions of this code are the same in effect as those of previously existing ordinances, they shall be construed as continuations thereof. However, all conflicting ordinances and resolutions of the County heretofore in force are repealed.

**08-1-7:**      **Repeal Shall Not Revive Any Ordinance.** The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby, unless the repealing ordinance specifically revives a previously repealed ordinance.

**08-1-8:**      **Preservation of Private Property Rights.**

**A.**      This Ordinance shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors' use of their private property and equally protect each citizen's right to use of their property without creating undue burden upon their neighbors.

**B.**      In the administration of this Ordinance, every person shall be secure in their premises, and no employee of the County shall enter upon, investigate, or search any of the

premises of any citizen without the consent of such citizen or order issued by a court of proper jurisdiction.

**C.** Every citizen of Teton County shall have the right to appear in person or be represented by his or her agent before the Board in the proper order of business to appeal a decision pursuant to the procedures contained in **Chapter 3** of this Ordinance.

**D.** In the enforcement of this Ordinance, it shall be deemed to apply equally to each citizen and each property in similar circumstances, and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

**08-1-9:** Vested Rights. A vested right is the right to proceed with an Application under a previous set of regulations, or the right to proceed under this Ordinance, pursuant to an improvement agreement. Vested rights shall be established by:

**A.** Submitting an application for a permit under a previous set of regulations that has been accepted by the County for consideration, has been deemed substantially complete, and is within the procedural time constraints of such applications;

**B.** Recording a final plat in full compliance with its conditions and provisions;

**C.** Executing an improvement agreement in full compliance with the provisions of this Ordinance; or

**D.** Obtaining an appropriate permit in full compliance with its provisions. Such vested rights expire with the permit. See **Chapter 3** on the duration of permit approvals.

**08-1-10:** Most Restrictive Standards Apply. Should any of the provisions within this Ordinance conflict, the most restrictive applies, unless otherwise stipulated.

**A.** Effect on Other Provisions. The provisions of this Ordinance do not abrogate any other ordinance, statute, regulation, private covenant, agreement, or contract which is more restrictive or which requires greater performance in the regulation of any land use or application within the County.

**B.** No Relief from Other Provisions. Except as otherwise specifically provided, no provision of this Ordinance shall be construed as relieving any party, to whom compliance approval is issued, from any other provision of county, state, or federal law or from any provision, ordinance, or regulation of Teton County requiring approval, license, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

**C.** Conflict with Private Agreements. This Ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, this Ordinance shall apply.

**D.** Restrictive Covenants. Unless a written, signed, properly executed agreement with clear and unequivocal language exists to the contrary, Teton County is not a party to any restrictive covenant between private parties and will not enforce its terms.

**08-1-11:** Burden of Proof. The burden of proof shall, in all proceedings pursuant to this Ordinance, rest with the Applicant.

**08-1-12:** Procedural Guidelines. Where this Ordinance is silent on any procedure as to its application, the Idaho Rules of Civil Procedure shall apply.

**08-1-13:** Interpretation. All ordinance provisions shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Idaho Local Land Use Planning Act and the Teton County Comprehensive Plan. This Ordinance is designed for consistency with the Comprehensive Plan and shall be liberally construed as achieving that plan's purposes and intent.

**A. Language and Numbers.**

1. Terminology. When used in this Ordinance, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.
2. Number of Days. Whenever a number of days is specified in this Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this Ordinance, the number of days shall be construed as calendar days, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or Teton County holiday.
3. Whole Numbers. Whenever a calculation or measurement results in a non-whole number, it shall be rounded up to the nearest whole number.
4. Minimum Requirements. When interpreting and applying the regulations of this Ordinance, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Ordinance.
5. Defined Terms. Terms defined in **Chapter 2** of this Ordinance shall have their defined meanings when used elsewhere in this Ordinance, unless specifically otherwise defined. For the purpose of readability and clarity, such terms are not shown in initial caps.
6. Undefined Terms. Terms not defined in this Ordinance shall be interpreted or construed in accordance with their ordinary, plain, contemporary and common meaning.
7. Section and Division Headings. Any section and division headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.
8. References. All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

**08-1-14:** Annual Review. This Ordinance may be annually reviewed by the Commission in the anniversary month of its adoption in a public meeting exclusive to that review process. Any review shall establish whether or not the Ordinance, in whole or in part, remains consistent with the Comprehensive Plan; remains consistent with applicable federal and state law; continues to serve the purposes for which it was adopted; and adequately addresses all planning, zoning, and development issues allowed by authorizing statutes, laws, ordinances, and resolutions. Notwithstanding this annual review, any deficiency or inconsistency discovered in this Ordinance may immediately be addressed and corrected by the Commission and Board through the processes established herein.

**08-1-15:** Severability. Should any section, clause, or regulation of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid; each section, clause, or regulation hereof being declared severable.

## **CHAPTER 2** Definitions

**08-2-1:** **What this Chapter Does.** This chapter establishes the applicable definitions of words and terms used throughout this Ordinance.

**08-2-2:** **Usage:** For the purposes of Title 8, all words and terms used herein are limited to the meanings given to them by this Chapter or as specifically provided in another Chapter of this title. Words and terms that are defined in another Chapter of Title 8 relate specifically to that Chapter. Unless the context clearly indicates to the contrary, the following interpretations apply:

1. Words used in the present tense shall include the future tense
2. Words used in the singular shall include the plural and words used in the plural shall include the singular
3. The word “may” means that an action is encouraged
4. The word “shall” means that an action is mandatory
5. The words “used” or “occupied” shall include the phrases “intended,” “designed,” or “arranged to be used or occupied.”

**08-2-3:** **Definitions in Another Chapter or No Definition:** If a word or term is not defined in this Chapter but is defined elsewhere in this title, that definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate. If a word or term is not defined in this title, then a standard dictionary definition applies. If the dictionary definition doesn’t apply to the above situations, then the definition found in “A Planner’s Dictionary,” 2004, by the American Planning Association, PAS Report Number 521/522, or latest edition, is applicable. Where a word or term is defined in this Chapter and also defined elsewhere in this title, the definition contained in this Chapter shall be generally applicable except in the Chapter or Section to which the other definition is applied.

### **08-2-4:** **General Definitions.**

**A.** The following terms used in this title shall have the respective meanings here after set forth:

1. **Absolute.** A performance standard with which all Applications must comply.
2. **Accessory.** Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use that exists on the same lot or parcel.
3. **Adjacent.** Adjacent includes all lots or parcels that directly border a lot or parcel, and all lots or parcels separated from that lot or parcel by only a public or private easement or right-of-way, including roads, railroads, and irrigation canals.
4. **Administrator.** The County employee responsible for administration of this Ordinance.

- 1           5. Adverse Impact. A negative consequence to the physical, social, or economic  
2           environment. Significant negative impact to land, water and associated resources  
3           resulting from a land disturbing activity. The negative impact includes increased risk  
4           of flooding; degradation of water quality; increased sedimentation; reduced  
5           groundwater recharge; negative impacts on aquatic organisms; negative impacts on  
6           wildlife and other resources; and threatened public health.
- 7           a. Undue. The reasoned determination of disproportionality or the exceeding of  
8           propriety.
- 9           b. Significant. The determination of significance requires consideration of both  
10          context and intensity:
- 11          c. Context. This means that the significance of an action must be analyzed in  
12          several contexts such as society as a whole (human, national), the affected  
13          region, the affected interests, and the locality. Significance varies with the setting  
14          of the proposed action. For instance, in the case of a site-specific action,  
15          significance would usually depend upon the effects in the locale rather than in the  
16          world as a whole. Both short- and long-term effects are relevant.
- 17          d. Intensity. This refers to the severity of impact. The following should be  
18          considered in evaluating intensity:
- 19               i. Impacts that may be both beneficial and adverse. A significant effect may  
20               exist even if the community believes that on balance the effect will be  
21               beneficial.
- 22               ii. The degree to which the proposed action affects public health or safety.
- 23               iii. Unique characteristics of the geographic area such as proximity to historic or  
24               cultural resources, park lands, prime farmlands, wetlands, wild and scenic  
25               rivers, or ecologically critical areas.
- 26               iv. The degree to which the effects on the quality of the human environment are  
27               likely to be highly controversial.
- 28               v. The degree to which the possible effects on the human environment are  
29               highly uncertain or involve unique or unknown risks.
- 30               vi. The degree to which the action may establish a precedent for future actions  
31               with significant effects or represents a decision in principle about a future  
32               consideration.
- 33               vii. Whether the action is related to other actions with individually insignificant  
34               but cumulatively significant impacts. Significance exists if it is reasonable to  
35               anticipate a cumulatively significant impact on the environment. Significance  
36               cannot be avoided by terming an action temporary or by breaking it down into  
37               small component parts.
- 38               viii. The degree to which the action may adversely affect districts, sites,  
39               highways, structures, or objects listed in or eligible for listing in the National  
40               Register of Historic Places or may cause loss or destruction of significant  
41               scientific, cultural, or historical resources.
- 42               ix. Whether the action threatens a violation of Federal, State, or local law or  
43               requirements imposed for the protection of the environment.
- 44          e. Effect (Impact). Effects and impacts as used in this Ordinance are synonymous.  
45          Effects includes ecological (such as the effects on natural resources and on the

components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the community believes that the effect will be beneficial.

i. Direct Effects. Caused by the action and occur at the same time and place.

ii. Indirect Effects. Caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

iii. Cumulative Impact. The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (government or non-government) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

6. Agriculture. Includes all agricultural land uses, but does not include game ranching or confined animal feeding operations (CAFO), which is a commercial use.

7. Application. Application is used as a generic term covering any and all activities for which a permit is required by this Ordinance. The Applicant is, by definition, the owner of the parcel on which an application is proposed, but owners may appoint a representative for proceedings required by this Ordinance.

8. Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope established above. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

9. Arborist. The Teton County Arborist appointed by the Board or the County Extension Agent.

10. Arterial. Includes all state and federal highways and other major roads, as shown in the comprehensive plan.

11. Bank Hardening. A traditional method of bank protection using rip rap, gabion, walls, sheet pilings, block, concrete structures, rock, or old car bodies to protect or armour a bank or shore from erosion. As opposed to the use of woody vegetation, grasses, or other bio-engineered stabilization processes.

12. Base Flood Elevation or BFE. The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

13. Board. The Teton County Board of Commissioners. The elected officials responsible for adoption of this Ordinance.

14. Building. As used in this Ordinance, refers to any structure. Includes liquid or gas storage tanks.

15. Building Bulk. Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size).
16. Building Height. The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents, and antennae.
17. Buffer. A landscaped area along the perimeter of a site. Buffers are encouraged by this Ordinance to help assure land use compatibility.
18. Certificate of Compliance. A certificate issued by the Administrator upon completion and acceptance of all required improvements.
19. Change of Use. A minor change in use is a change within the two-digit SLUC code or a change to any use that has identical parking requirements and similar traffic generation potential, creates no additional signage, and has, as determined by the Administrator, similar or lesser impacts on the neighboring land uses. Any other change shall be considered major.
20. Commercial. [RESERVED FOR CODE STUDIO]
21. Commission. The Teton County Planning and Zoning Commission established by Chapter 3, 08-3-2.
22. Compatibility. Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.
23. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
24. County. Refers to Teton County, Idaho.
25. Density. The number of dwelling units per gross acre. Gross acreage includes the entire application (roads, common open spaces, etc.). Density is not synonymous with lot size.
26. Development. Development is used as a generic term covering any and all activities for which a permit is required by this Ordinance. The Applicant is, by definition, the owner of the parcel on which an application is proposed, but owners may appoint a representative for proceedings required by this Ordinance.
27. EPCRA. The Emergency Planning and Community Right-To-Know Act of 1986. Refers to 42 USC 1101-11050, as amended.
28. Fire Apparatus Access Road. [reserved]
29. Flood. Partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."
30. Flood Insurance Rate Map. Abbreviated FIRM. The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and risk premium zones. The flood insurance study is the official report of the Federal Insurance Administration, including flood profiles, flood boundary maps, and the water surface elevation of the base flood.



- 1 31. Floodplain. Refers to the special flood hazard areas defined and mapped by the  
2 Federal Emergency Management Agency.
- 3 32. Foot-Candle. Foot-candles are measures of the amount of ambient light.
- 4 33. Frontage Residential Cluster. Shall mean a residential cluster that has frontage on an  
5 existing County road. "Internal Residential Cluster" shall mean a residential cluster  
6 that is set back from existing County roads by a prescribed distance.
- 7 34. Habitable Area. A space in a building for living, sleeping, eating, or cooking.  
8 Bathrooms, toilet rooms, closets, hallways, storage or utility spaces and similar areas  
9 are not generally considered habitable spaces.
- 10 35. Hazardous Substances. Any material regulated by EPCRA, as amended.
- 11 36. Hearing Examiner. A hearing examiner may be appointed by the Board or the  
12 Commission for hearing applications in the place of the Board or Commission for  
13 subdivisions, special use permits, variances and requests for rezoning which are in  
14 accordance with the Plan and this Ordinance.
- 15 37. Higher Density Residential. Refers to multiple-family dwellings, including apartments  
16 and condominiums, and mobile home parks.
- 17 38. Home Occupation. A commercial-like activity conducted solely by the occupants of a  
18 dwelling (or a building accessory to a dwelling) in a manner incidental to and  
19 subordinate to the use of the dwelling unit as a residence. Home occupations, by  
20 definition, comply with the performance standards of **Chapter 8, Residential Business**  
21 **Use Standards**.
- 22 39. Horizontal Surface. A horizontal plane 150 feet above the established airport  
23 elevation, the perimeter of which, in plan view, coincides with the perimeter of the  
24 horizontal zone.
- 25 40. International Building Code or IBC. Adopted by ordinance, means the International  
26 Building Code and /or the International Residential Code (IRC), both are published by  
27 the International Code Council, Inc.
- 28 41. I.C. Refers to the Idaho Code, also known as Idaho State Statutes.
- 29 42. Important Farmland. Land that has been, is, or could be used for the production of  
30 specific high value food and fiber crops. It has the special combination of soil quality,  
31 location, growing season, and moisture supply needed to produce economically  
32 sustained high quality and/or high yields of a specific crop when treated and  
33 managed according to acceptable farming methods.
- 34 43. Industrial. **[RESERVED FOR CODE STUDIO]**
- 35 44. IRC. International Residential Code.
- 36 45. Large Scale Development. **[RESERVED FOR CODE STUDIO]**
- 37 46. Livestock. As used in the performance standards regulating livestock in residential  
38 areas, includes cattle, goats, horses, llamas, or sheep kept for personal pleasure or  
39 consumption. Does not include pigs.
- 40 47. Living Space. Space within a dwelling unit utilized for living, sleeping, eating cooking,  
41 bathing, washing and sanitation purposes.
- 42 48. Lot. A parcel of land which is described and made a part of a plat of subdivision that  
43 has been recorded in the office of the Recorder of Teton County. The division of any  
44 lot or any parcel of land by any other means, including the use of metes and bounds

description or by non-subdivision record of survey shall not be considered by Teton County as a "lot" as same is defined herein.

49. Lowest Floor. The lowest floor of the lowest enclosed area, including the basement, of a building. An unfinished or flood resistant enclosure, usable solely for parking, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that it does not place the building in violation of the non-elevation design requirements of this Ordinance.

50. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is designed to be placed on a permanent foundation, permanently connected to all required utilities, and used as a permanent dwelling unit. Within the Floodplain Overlay District, for floodplain management purposes, the definition of "manufactured home" shall be expanded to include recreational vehicles, travel trailers, and similar vehicles or trailers that are left in place for 180 or more consecutive days (use of such vehicles as a residence is prohibited by this Ordinance), but recreational vehicles, travel trailers, and similar vehicles or trailers are not manufactured homes for flood insurance purposes.

51. Manufactured Home Park. Any lot or parcel on which there are spaces for occupancy by more than one manufactured home that will not be placed on a permanent foundation. Such spaces are normally rented or leased, but rental or lease is not necessary for the purposes of this definition.

52. Master Planning. A master plan provides a road map for efficiently planning application demand through the foreseeable future while preserving the flexibility necessary to respond to changing conditions. A master plan is made up of a series of sub-plans that address specific components as required by this Ordinance, such as wildlife plan and an open space management plan. The master plan must demonstrate a reasonable expectation of performance of the requirements of this Ordinance.

53. Minimize. For the purposes of these regulations, "to minimize" (as in the number of access points or impacts on visually sensitive areas) means to show that no alternative plan for the proposed application will result in a smaller impact.

54. Minor Utility Installations. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

55. New Construction. Buildings for which the "start of construction" was on or after the effective date of this Ordinance.

56. Nonconforming. Describes any use or building that was in existence on the effective date of this Ordinance, but that would not comply with one or more of its requirements if submitted for approval. **See Chapter 14, Nonconformities.**

57. Obstruction. In the Airport Overlay District (AOZD), any structure, growth, or other object, including any mobile object, which exceeds any height limitation established in Title 10.

58. Use. The use of a building or lot. For all non-residential uses, as defined by the North American Industry Classification System (NAICS). The NAICS manual is the

standard code system describing and classifying business establishments on the activities in which they are primarily engaged.

59. Open Space.

a. Open Space means undeveloped land areas that may have important ecological functions, natural resources, wildlife, or cultural resources that are worthy of conservation and protection. Such areas may contain, but are not limited to forests, farmland, ranchland, old fields, floodplains, wetlands, rivers and streams and shore lands. Open Space can also encompass scenic vistas, recreational areas and historic sites.

b. Open Space. A parcel or lot of land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; and/or trails for non-motorized activities. Open space use can be identified in five categories: cultural, ecological, developmental, agricultural, and recreational.

60. Outdoor Material Handling or Storage. Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street or road.

61. Parcel. An undivided and undeveloped rural tract of land that is not a part of a plat of subdivision that has been recorded in the office of the Recorder of Teton County, and is typically described by use of metes and bounds and/or a non-subdivision record of survey. A parcel is not a "lot" as same is defined in this Ordinance.

62. Plat. The legal map of a subdivision, subject to the requirements of Idaho Statutes.

63. Plat Amendment. A plat amendment is a minor change in the lot arrangement or routing of rights-of-way or easements in a previously recorded subdivision plat. It may result in the consolidation of lots, but does not result in the creation of any additional lots or parcels, or the addition of land to the subdivision. Plat amendments are instituted by the recording of an amended plat following the process provided in Chapter 3, Administration.

64. Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

65. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is 250 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

66. Private Utilities. Cable television, electric power, natural gas, and telephone services.

67. Public Utilities. A common sewer, water, or other community service controlled by a public authority.

68. Public Way. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet

- 1 69. Recreational Vehicle. As per I.C. 49-2801, a motor home, travel trailer, truck camper,  
2 or camping trailer, with or without motive power, designed for recreational or  
3 emergency occupancy.
- 4 70. Reasoned Decision. As per I.C. 67-6535, the approval or denial of any application  
5 shall be in writing and accompanied by a reasoned statement that explains the  
6 criteria and standards considered relevant, states the relevant contested facts relied  
7 upon, and explains the rationale for the decision based on the applicable provisions  
8 of the comprehensive plan, relevant ordinance and statutory provisions, pertinent  
9 constitutional principles and factual information contained in the record.
- 10 71. Residential Cluster. Shall mean a grouping of residential lots within a rural cluster  
11 application that share a common outer boundary. A residential cluster may include  
12 lots on both sides of a public or private road.
- 13 72. Ridgeline. A high ridge that dominates the landscape and is the focal point of the  
14 surrounding country.
- 15 73. Riparian Areas. Riparian areas are plant communities contiguous to perennial,  
16 intermittent, and ephemeral rivers, streams, or drainage ways. They have one or both  
17 of the following characteristics: 1) distinctively different vegetative species than  
18 adjacent areas; and/ or 2) species similar to adjacent areas but exhibiting more  
19 vigorous or robust growth forms.
- 20 74. Replat. A replat is any change in an existing subdivision that adds land to the  
21 subdivision or creates a new road or parcel within an existing subdivision. The  
22 procedures for a replat are the same as for an original subdivision.
- 23 75. Residential Care Facility. A residential facility in which care and/or protection is  
24 provided for the elderly, children, or adults under a license issued by the Idaho  
25 Department of Health and Welfare pursuant to the Child Care Licensing Reform Act,  
26 the Alcoholism and Intoxication Treatment Act, and similar authorities. This definition  
27 does not include halfway houses or any other detention facility.
- 28 76. Runway. A defined area on an airport prepared for landing and takeoff of aircraft  
29 along its length. A utility runway is constructed for and intended to be used by  
30 propeller driven aircraft of 12,500 pounds maximum gross weight and less. A visual  
31 runway is intended solely for the operation of aircraft using visual approach  
32 procedures.
- 33 77. Rural Character. Embodies a quality of life based upon traditional rural landscapes,  
34 activities, lifestyles, and aesthetic values; including buildings, places, organizations,  
35 landscapes, shared traditions, lifestyles, activities, events, employment and other  
36 subjective factors.
- 37 78. Setback. All setbacks are measured at right angles, from the nearest point on the  
38 property line to the foundation or to any above grade projection of the structure that  
39 extends more than three feet beyond the foundation.
- 40 a. The front setback is measured from the lot line paralleling a public street to the  
41 principal building. Corner lots have two front yards, but may treat either as a side  
42 yard for the purposes of this Ordinance, except where the adjacent street is an  
43 arterial.
- 44 b. The rear setback is measured from the rear lot line to the principal building. The  
45 rear lot line is parallel, or more or less parallel, to the street. Corner lots have two  
46 rear yards, but may treat either as a side yard for the purposes of this Ordinance.

- c. The side setback is measured from the side lot line to the principal building.
79. Shall. The term, when used in the code, is construed as mandatory.
80. Shortplat. An administrative subdivision process available for first time applications of no more than six (6) total lots, including the remnant of the source parcel.
81. Single Family Dwelling Unit. A detached building designed for occupancy by one family. Also includes group homes, as required by I.C. 67-6530, et. Seq. Includes both conventional dwellings and manufactured homes that:
- a. Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the International Building Code and International Residential Code;
  - b. Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and
  - c. Where available, are permanently connected to central utilities.
  - d. Recreational vehicle and travel trailers are not single family dwellings, and shall not be used as such, but are included within the definition of "manufactured home" for the purposes of permitted temporary occupancy. [CONSIDER ALLOWING "TINY HOMES"]
82. Site Plan. A site plan is a scale drawing, or a series of such drawings, that illustrates all those details of a proposed application needed to demonstrate compliance with this Ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets, sidewalks, landscaped buffers, and other features of the site. Where an erosion and runoff control plan is required, the site plan must be prepared on a detailed (contour intervals of two feet) topographic base.
83. Sketch Plan. A sketch plan is a general or conceptual site plan of an application. It must include the approximate location of all lot lines and streets, the approximate location and exterior dimensions all structures, the approximate location, size, and circulation pattern of all parking areas, and the approximate location and dimensions of all landscaped buffers.
84. Solid Waste. Material being stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this Ordinance, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste until transported from the farm on which it was generated.
85. Special Flood Hazard Area. Land subject to a one percent or greater chance of flooding in any given year. Designation on Flood Insurance Rate Maps (FIRM) always includes the letters A or V.
86. Start of Construction. Applies to both substantial improvements and new construction and means the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within 180 days of the permit date. "Actual start" means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings,

1 piers, or foundation, or erection of temporary forms; nor does it include installation of  
2 accessory buildings.

3 87. Structure. Any object, including any mobile object, constructed or installed by man,  
4 including, without limitation, buildings, towers, cranes, smokestacks, earth  
5 formations, liquid storage tanks, and overhead transmission lines. For the purposes  
6 of this Ordinance, synonymous with "building".

7 88. Subdivision. As authorized by I.C. 50-1301 (16), means any division of an original  
8 parcel of land, or any land so divided, which creates more than one additional  
9 contiguous or adjacent parcel containing 160 acres or less, in order that the title to or  
10 possession of the parcels may be sold, rented, leased, or otherwise conveyed, and  
11 shall include any replat or any condominium. Except as exempted, all subdivisions  
12 require a permit.

13 89. Substantial Improvement. Repair, reconstruction, or improvement of a building, the  
14 cost of which equals or exceeds 50% of the building's market value either before the  
15 improvement or repair is started, or where the building has been damaged and is  
16 being restored, before the damage occurred. "Substantial improvement" is  
17 considered to occur when the first alteration of any wall, ceiling, floor, or other  
18 structural part of the building commences, whether or not that alteration affects its  
19 external dimensions. The term does not include any project for the improvement of a  
20 building required to comply with state or local codes assuring safe living conditions.

21 90. Tract. A parcel of land outside of a subdivision.

22 91. Transitional Surfaces. These surfaces extend outward at 90 degree angles to the  
23 runway centerline and the runway centerline extended at a slope of seven feet  
24 horizontally for each foot vertically from the sides of the primary and approach  
25 surfaces to where they intersect the horizontal and conical surfaces.

26 92. Tree. For the purposes of this Ordinance, any object of natural growth.

27 93. Uplit. Uplighting occurs when signs or structures are illuminated by a spotlight shining  
28 on them from below. Uplighting can be attractive in urban environments, but is a  
29 definite enemy of a night sky in which one can see the stars.

30 94. Use. Generic term used to describe activities such as zoning and/or the control of  
31 land developments. Land-use planning laws are implemented by this Ordinance; the  
32 dominant and/or subordinate activity taking place on an area of land.

33 95. Vacation. The process provided by state law (see I.C. 50-1306A) and this Ordinance  
34 for the elimination of a recorded subdivision plat. See **Chapter 3, Administration**.

35 96. Variance. According to I.C. 67-6516, "A variance is a modification of the  
36 requirements of the ordinance as to lot size, lot coverage, width, depth, front yard,  
37 side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance  
38 provision affecting the size or shape of structure or the placement of the structure  
39 upon lots, or the size of lots." Land use cannot, by definition, be varied.

40 97. Vested Right. The right to proceed with application under a previous set of  
41 regulations, or the right to proceed under this Ordinance, pursuant to an improvement  
42 agreement.

43 98. Visually Sensitive Area. Visually sensitive areas are broadly delineated on the natural  
44 resource inventory maps prepared for the County, using the system developed by the  
45 U.S. Forest Service. The delineation is based on the view from major public roads  
46 and bodies of water.

- 1 99. Water Quality Vulnerability Area. As explained in the comprehensive plan, those  
2 areas which past studies have identified as needing central sewerage to avoid  
3 surface and ground water pollution.
- 4 100. Wetlands. Wetlands are areas that are inundated or saturated by surface or  
5 ground water at a frequency and duration sufficient to support, and that under normal  
6 circumstances do support, a prevalence of vegetation typically adapted for life in  
7 saturation soil conditions. Wetlands generally include swamps, marshes bogs, and  
8 similar areas. Wetlands shall be as defined in the current Federal Manual for  
9 Identifying and Delineating Jurisdictional Wetlands.
- 10 101. Wetlands Higher Functional Value. Wetland function values are those physical,  
11 biological functions a wetland performs and the benefits or value that society derives  
12 from them. They may include fish and wildlife habitat, aquatic life support, floral  
13 diversity, aesthetic, educational, recreational and scientific values, storm and flood  
14 water storage, hydrologic functions, water quality functions, groundwater discharging  
15 and recharging, and shoreline anchoring.
- 16 102. Wildlife Habitat. Any area that provides the environmental factors required for the  
17 survival of a particular species of wildlife.
- 18 103. Yard. The area between the lot lines and the principal building created by the  
19 required setbacks.
- 20 104. [RESERVED]

## 22 **CHAPTER 3** Administration

23 **08-3-1: What this Chapter Does.** This chapter requires a permit for all land  
24 development and building activity in the County and establishes procedures for  
25 the administration of this Ordinance.

27 **08-3-2: Review Bodies.**

### 28 **A. Board of County Commissioners (Board)**

- 29 1. General Authority. The Board is the Executive, Legislative, and Quasi-Judicial Branches of  
30 Teton County, a political subdivision of the State of Idaho, and may exercise any and all  
31 powers as may be described in this Ordinance and as permitted by the Idaho Constitution,  
32 Idaho Statutes, and all other County policies and ordinances.
- 33 2. Final Authority. With respect to this Ordinance, the Board is responsible for final action  
34 regarding:
- 35 a. Text amendments;
  - 36 b. Zoning changes;
  - 37 c. Comprehensive re-zonings;
  - 38 d. Special uses and special use amendments;
  - 39 e. Planned development outline plan and amendments;
  - 40 f. Planned development public contracts;
  - 41 g. Final plat public contracts;



- h. Right-of-way vacation;
- i. Right-of-way dedication; and
- j. Historic district designation.

**B. Planning and Zoning Commission (Commission)**

1. Establishment. The Commission is established under the authority of Teton County Code Title 02.
2. General Authority
  - a. The Commission performs related duties as directed by the Board.
  - b. The Commission may exercise additional powers as may be described elsewhere in this Ordinance and as permitted by the Board.
3. Review Authority. With respect to this Ordinance, the Commission reviews and makes recommendations regarding:
  - a. Text amendments;
  - b. Zoning changes;
  - c. Comprehensive re-zonings;
  - d. Special uses and special use amendments;
  - e. Planned development outline plan and amendments;
  - f. Right-of-way vacation;
  - g. Right-of-way dedication; and
  - h. Historic district designation.
4. Final Authority. With respect to this Ordinance, the Commission shall be responsible for final action (subject to appeal) regarding:
  - a. Planned development major revisions;
  - b. Major preliminary plans;
  - c. Subdivision;
  - d. Street name change;
  - e. Plat of record vacation; and
  - f. Special exceptions.

**C. Hearing Examiner (as permitted by I.C. 67-6520)**

1. Delegation of Authority. The Hearing Examiner may be appointed by the Board or the Commission for hearing certain applications.
2. General Authority
  - a. The Hearing Examiner performs related duties as directed by either the Board or the Commission, whichever has appointed him/her.
  - b. The Hearing Examiner must be a professionally trained or licensed:
    - i. Planner
    - ii. Attorney



1                   iii. Engineer, or

2                   iv. Architect

3           3. Review Authority

4           a. TBD

5           4. Final Authority

6           a. Subdivision;

7           b. Special uses and special use amendments;

8           c. Variances; and

9           d. Requests for rezoning which are in accordance with the Comprehensive Plan.

10   **D. Planning and Building Administrator (Administrator)**

11           1. Delegation of Authority. The Administrator may designate any staff member to  
12           represent the Administrator in any function assigned by this Ordinance. The  
13           Administrator remains responsible for any final action.

14           2. General Authority

15           a. The Administrator performs related duties as directed by the Board.

16           b. The Administrator may exercise additional powers as may be described  
17           elsewhere in this Ordinance and as permitted by the County Code of Ordinances.

18           3. Review Authority. With respect to this Ordinance, the Administrator reviews and  
19           makes recommendations regarding:

20           a. Text amendments;

21           b. Zoning changes;

22           c. Comprehensive re-zonings;

23           d. Special uses and special use amendments;

24           e. Planned development outline plan and amendments;

25           f. Planned development major revisions;

26           g. Major preliminary plans review;

27           h. Subdivision;

28           i. Right-of-way vacation;

29           j. Right-of-way dedication;

30           k. Street name change;

31           l. Plat of record vacation;

32           m. Special exceptions

33           n. Historic district designation;

34           o. Certificates of appropriateness; and

35           p. Variances.

36           4. Final Authority. With respect to this Ordinance, the Administrator is responsible for  
37           final action (subject to appeal) regarding:

- a. Special use minor revisions;
- b. Planned development minor revisions;
- c. Planned development final plats;
- d. Minor preliminary plans;
- e. Final plats;
- f. Administrative site plans;
- g. Final plat;
- h. Demolition by neglect; and
- i. Administrative deviations.

**E. Building Official**

1. Delegation of Authority. The Building Official may designate any staff member to represent the Building Official in any function assigned by this Ordinance. The Building Official remains responsible for any final action.
2. General Authority
  - a. The Building Official performs related duties as directed by the Administrator and/or Board.
  - b. The Building Official may exercise additional powers as may be described elsewhere in this Ordinance and as permitted by the County Code of Ordinances.
3. Final Authority. With respect to this Ordinance, the Building Official is responsible for final action (subject to appeal) regarding the following:
  - a. Temporary use review;
  - b. Sign permit;
  - c. Certificate of occupancy; and
  - d. Written interpretations.

**08-3-3: Permit Required.** A permit shall be required for any division of land; any clearing, grading, construction, or reconstruction; and any change in land use, except as specifically exempted by **sub-paragraphs D or E, below.**

**A. Administrative Permit.** An Administrative Permit shall be required for:

1. Any plat amendment;
2. Any single family dwelling;
3. Any residential business;
4. Any minor transient use;
5. Any accessory building or fence not exempted;
6. Any minor change of use in an existing commercial or industrial use or structure;
7. Family burial grounds;

8. Any other application that is not exempted, and that does not require a Subdivision permit; and
9. Any clearing or grading preparatory to any activity listed in a. through f., above.
10. Stream, Shoreline, and Flood Hazard Areas. An Administrative Permit shall be required for any activity, including dredging, filling, clearing, grading, excavation, the construction of retaining walls or other means of shoreline stabilization, and the construction of accessory buildings within stream or lakeshore corridors and special flood hazard areas established by this Ordinance, however, any such activities proposed as part of a subdivision or an application for which a Subdivision permit is required, may be evaluated as part of the application for a Subdivision permit.

**B. Subdivision Permit.** A Subdivision Permit shall be required for:

1. Any land split, division, subdivision, or portioning that creates one (1) or more parcels or lots with the right to build or construct improvements;
2. Any Short Plat (subdivision up to **six (6)** total lots, which shall include the reconfigured original source parcel of land);
3. Any Standard Subdivision or Re-Plat (minor, major, or large scale);
4. Any Conditional or Special Use;
5. Any Expanded or Major Transient Rental use;
6. Any higher density residential application, including multi-family dwellings, RV parks, or manufactured home parks;
7. Any commercial or industrial application, including any major change in use in an existing commercial or industrial use or structure, and
8. Any clearing or grading preparatory to any activity listed in a. through c., above.

**C. Multiple Permits.** Certain applications may require more than one permit, as required by this Ordinance. In such cases, the Administrator may combine all required permits into one application and in his/her sole discretion only require payment of the fee of the highest cost permit. Multiple permits will be reviewed concurrently.

**D. Exemptions for Land Divisions.** Exemption from a land division permit does not exempt any other improvement of the created parcel from compliance with this Ordinance.

1. No permit shall be required for any land division that results from a court decree for the distribution of specific parcels of property.
2. No permit shall be required for any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose.
3. An Administrative Permit shall be required for platting a cemetery. This is required for administrative tracking purposes only.
4. No permit shall be required for any land division in which all resulting parcels are 160 or more acres in size. The creation of parcels between 40 and 160 acres in size for bona fide agricultural purposes only shall also be exempt from the requirement for a permit, but the further division or any development application of any such parcel shall be preceded or accompanied by an application for a short plat subdivision or a standard subdivision.

- 1                   5. An Administrative Permit in which no fee is charged is required for the adjustment of  
2                   un-platted property lines in which no new parcel is created and no nonconforming lot,  
3                   parcel, use, or structure results. This permit is for administrative tracking purposes  
4                   only and does not constitute an approval or denial of the action but is let for the  
5                   purpose of creation of a clear public record of the action. Plat amendments require an  
6                   Administrative Permit and approval by the Board.

7 **E. Exemptions for Construction Activity.** The activities listed here are not exempt from any  
8 applicable requirement of this Ordinance, except the requirement for a permit. No permit  
9 shall be required for:

- 10                   1. Clearing and grading for agricultural purposes, the maintenance and construction of  
11                   irrigation works, and grading required for the maintenance (but not change or  
12                   expansion) of an existing use or structure;  
13                   2. Repair or remodeling that does not alter the exterior dimensions of the structure  
14                   involved (note that the IRC and IBC may require a building permit for such  
15                   remodeling);  
16                   3. Accessory buildings that are also exempted from review by the IBC and IRC (note  
17                   that this generally exempts accessory buildings of less than 200 square feet in floor  
18                   area and not more than 1 story tall);  
19                   4. Fences of six feet or less in height (note that all fences must comply with the  
20                   requirements of **Chapter 9, Screening and Buffering Standards**, for clear sight  
21                   triangles at intersections and points of access to public roads);  
22                   5. Minor utility installations; and  
23                   6. Certain signs, as provided in **Chapter 13, Signs**.  
24                   7. The above exemptions may not apply within the Airport Overlay.  
25                   8. The exemptions of items 1-7, above, shall not apply within any stream or lakeshore  
26                   corridor or special flood hazard area established by this Ordinance. All application  
27                   activity within stream or lakeshore corridors or special flood hazard areas shall be  
28                   subject to the requirements for a permit.

29  
30 **08-3-4: Application Review Procedures.**

31 **A. Pre-Application Conference**

- 32                   1. Before submitting an application for development approval, an applicant may  
33                   schedule a pre-application conference with the Administrator to discuss the  
34                   procedures, standards and regulations required for approval in accordance with this  
35                   Ordinance.  
36                   2. A mandatory pre-application conference with the Administrator shall be required for  
37                   the following:  
38                   a. Zoning change;  
39                   b. Special use permit;  
40                   c. Planned development outline plan;  
41                   d. Minor preliminary plan;  
42                   e. Major preliminary plan;

- f. Right-of-way vacation;
- g. Right-of-way dedication;
- h. Plat of record;
- i. Historic district designation; and
- j. Certificate of Appropriateness.

**B. Application Requirements**

1. Initiation of Request. A request for development approval may be initiated in accordance with the following.
  - a. [Insert chart]
2. Prerequisites.
  - a. Evidence of a Lot. Before any Administrative or Subdivision permit is issued, the Applicant shall provide evidence indicating that the property is a “lot” as defined in this Ordinance. In the absence of such evidence, a subdivision application shall be required to create a lot, which may be combined and processed concurrently with the Application. The following are exempt from this requirement:
    - i. Parcels with permitted pre-existing dwellings.
    - ii. Parcels with non-permitted dwellings constructed prior to [June of 1992].
    - iii. Parcels containing 160 acres or more.
    - iv. Applications for Major subdivisions.
    - v. Minor subdivisions, which are never permitted on a lot, only a parcel.
  - b. Contiguous Holdings. For the purposes of this Ordinance, a parcel shall be all contiguous parcels owned by the property owner associated with the application. Contiguity shall mean connection or abutment of parcels as described in the deed or legal description which shall be shown on a record of survey. Contiguity is not broken by section lines, easements, or rights-of-way; but is severed by unrelated third-party, deeded holdings that entirely separate parcels (such as a deeded railroad parcel bisecting parcels).
3. Submittals. Applications required under this Ordinance shall be filed with the Planning and Building Department in accordance with the following.
  - a. [Insert chart]
  - b. Project Narrative. All applications for Administrative and Subdivision permits must be accompanied by a narrative report that clearly explains how the proposed application meets the applicable performance standards of the Teton County Development Code and its appendices, including controlled access and public infrastructure requirements.
  - c. Required Agency Letters. All applications for Administrative and Subdivision permits must be accompanied by approval or acceptance letters from the following agencies, unless otherwise exempted:
    - i. Teton County Fire Code Official and/or Fire Protection District.
    - ii. Eastern Idaho Public Health District, if applicable.

- iii. Teton County Public Works for a road access permit.
- iv. Idaho Transportation Department for a road access permit, if applicable.
- v. Public Utilities for “Will Serve” agreements.
- d. Site Context Map. The location of the proposed application within its neighborhood context shall be submitted. The Site Context Map does not duplicate the Existing Resources and Site Analysis Plan, as it shows surrounding (i.e., off-site) features in sketch detail, while the Existing Resources and Site Analysis Plan includes only the subject property. This submission does not require further field work because most or all of the data for the Site Context Map are readily available from published sources.
  - i. Scale. For sites less than 100 acres in area, such maps shall be at a scale not less than 1 inch = 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the above relationships within 2,000 feet of the site.
  - ii. A vicinity map that locates the proposed project within the section and shows major roads and watercourses (including canals, ditches, and drains) adjacent to or near the project and the boundaries of and recorded names of all adjacent or nearby surveys and subdivisions.
  - iii. Features to be shown shall include topography (from United States Geological Survey (USGS) maps), stream valleys, wetland complexes (from maps published by the U.S. Fish and Wildlife Service or the United States Department of Agriculture Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility and irrigation easements and rights of way, public land, and land protected under conservation easements.
  - iv. Any proposed TDRs (Chapter 12) should also be shown, including both sending and receiving areas.
- e. Existing Resources and Site Analysis Plan. The following section produces the single most important document in the entire project design process, for it provides the factual basis upon which informed decisions can be made by all parties. The following information shall be included:
  - i. A vertical aerial photograph enlarged to a scale not less than 1 inch = 400 feet, with the site boundaries clearly marked.
  - ii. The exterior boundaries of the project.
  - iii. Topography, the contour lines of which shall be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS maps). The determination of appropriate contour intervals shall be made by the Administrator, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for large scale subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from aerial photography and shall be coordinated with official USGS benchmarks.

- iv. Ponds, streams, canals, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in this Ordinance.
- v. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, trees with a caliper in excess of 10 inches, and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition.
- vi. Known present wildlife species as mapped by the Idaho Department of Fish & Game or the U.S. Fish and Wildlife Service.
- vii. Important wildlife habitat, as mapped by the Idaho Department of Fish & Game, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the U.S. Bureau of Land Management, as applicable. Documentation that Applicant met with the local field office of the applicable agencies shall be required.
- viii. Soil series, types, and phases, as documented by the U.S. Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
- ix. Ridge lines and watershed boundaries.
- x. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and other public lands.
- xi. Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the Applicant.
- xii. All existing man-made features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers; and their dimensions.
- xiii. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthen works, and graves.
- xiv. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, ski, snowmobile, all-terrain vehicle and other similar trails).
- xv. The location, nature, and boundaries of all public and private ways, easements and other encumbrances of property on or adjacent to the project, which are or have been filed of record with the Fremont County Recorder, referenced by recording or instrument number which established those ways or easements.
- xvi. All setbacks and buffers required by this Ordinance from any identified protected feature, including but not limited to floodplains, streams, lakes, riparian vegetation, slopes, ridgelines, roads, adjacent landowners, and potential incompatible uses.
- xvii. Total acreage of the tract.

- f. Sketch Plan
  - i. Site Context Map, above.
  - ii. Existing Resources and Site Analysis Plan, above.
  - iii. Schematic layout on a transparent overlay sheet indicating a general development concept for the application and land conservation; and the proposed street and lot layout.
  - iv. General description of proposed method of culinary and irrigation water supply, sewage disposal, and stormwater management.
  - v. Notes indicating zoning district and calculations for minimum required open space land, maximum density, and TDR use, if applicable.
- g. Preliminary Plan
  - i. Site Context Map, as amended.
  - ii. Existing Resources and Site Analysis Plan, as amended.
  - iii. Preliminary Plat. This plat shall include the following items:
    - a. Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. Approximate boundaries of open space land shall be indicated.
    - b. Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining application or undeveloped areas; preliminarily-engineered profiles for proposed streets.
    - c. Approximate location of proposed swales, drainage easements, stormwater and other management facilities.
    - d. Where community sewage service is to be permitted, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
    - e. Where central water service is to be permitted, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.
    - f. Location of all percolation tests, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites.
    - g. Limit-of-disturbance line shown in relation to natural and cultural features to be saved.
    - h. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land to be dedicated or reserved for public use.
    - i. If land to be subdivided lies partly in or abuts another municipality, the Applicant shall submit information concerning the location and



1 conceptual design of streets, layout and size of lots and provisions of  
2 public improvements on land subject to his control within the adjoining  
3 municipalities. The design of public improvements shall provide for a  
4 smooth, practical transition where specifications vary between  
5 municipalities. Evidence of approval of this information by appropriate  
6 officials of the adjoining municipalities also shall be submitted.

7 j. Where the Applicant proposes to install the improvements in phases, the  
8 Applicant shall submit with the Preliminary Plan a delineation of the  
9 proposed phases and a schedule of deadlines within which applications  
10 for final approval of each phase are intended to be filed.

11 k. Typical street cross-section drawing(s) for all proposed streets shall be  
12 shown, including details relating to thickness, crowning and construction  
13 materials (The typical cross-sections required on the plan are shown in  
14 Appendix B and can simply be copied directly onto the plan set).

15 l. Exact locations of existing utility easements and approximate locations of  
16 proposed utility easements.

17 m. Approximate layout of all proposed sanitary and storm sewers and  
18 location of all inlets and culverts, and any proposed connections with  
19 existing facilities. (These data may be on a separate plan.)

20 n. The tentative location of proposed on-site sewage and culinary &  
21 irrigation water facilities.

22 o. Approximate location of proposed shade trees, plus locations of existing  
23 vegetation to be retained, which shall be included in an open space plan.

24 p. A table showing the total acreage of the project area, the total acreage in  
25 lots, the total acreage in streets, and the total acreage of parcels  
26 proposed for dedication for Open Space, to public use, or to be held in  
27 common by the lot owners

28 q. All required signature blocks shall be provided on the plat.

29 iv. Preliminary Improvement Plan and Agreement.

30 v. Preliminary Studies and Reports as set forth in other parts of this Ordinance.

31 vi. Preliminary Open Space Ownership and Management Plan. Using the  
32 Preliminary Plan as a base map, the boundaries, acreage and proposed  
33 ownership of all open space land shall be shown. The Applicant shall submit  
34 a Preliminary Open Space Ownership and Management Plan detailing the  
35 entities responsible for maintaining various elements of the property, and  
36 describing management objectives and techniques for each part of the  
37 property.

38 h. Final Plan

39 i. Final version of all previously required preliminary plan components.

40 4. Forms. Applications required under this Ordinance must be submitted on forms and  
41 in such numbers as required by the Planning and Building Department.

42 5. Fees. Filing fees have been established to defray the cost of processing the  
43 application, as listed with the Planning and Building Department and adopted by the  
44 Board. Before review of an application, all filing fees must be paid in full.

1                   6. Completeness Determination

- 2                   a. All applications must be complete before the Administrator/Building Official is  
3                   required to review the application.
- 4                   b. An application is considered complete when it contains all of the information  
5                   necessary to decide whether or not the development as proposed will comply  
6                   with all of the requirements of this Ordinance.
- 7                   c. The presumption is that all of the information required in the application forms is  
8                   necessary to satisfy the requirements of this Article. However, it is recognized  
9                   that each application is unique, and therefore more or less information may be  
10                  required according to the needs of the particular case. The applicant may rely on  
11                  the recommendations of the Administrator/Building Official as to whether more or  
12                  less information shall be submitted.
- 13                  d. Once the application has been determined complete, copies of the application  
14                  shall be referred by the Administrator/Building Official to the reviewing entities.
- 15                  e. The Administrator/Building Official may require an applicant to present evidence  
16                  of authority to submit the application.

17                  7. Application Deadline. Complete applications shall be submitted in accordance with  
18                  the published calendar schedule. Schedules indicating submittal dates shall be  
19                  developed each year and made available to the public.

20                  8. Staff Consultation after Application Submitted

- 21                  a. Upon receipt of a complete application, within 21 days after the filing deadline,  
22                  the Administrator/Building Official shall review the application and confer with the  
23                  applicant to ensure an understanding of the applicable requirements of this  
24                  Ordinance; that the applicant has submitted all of the information they intend to  
25                  submit; and that the application represents precisely and completely what the  
26                  applicant proposes to do.
- 27                  b. Once the applicant indicates that the application is as complete as the applicant  
28                  intends to make it, the application shall be placed on the agenda of the  
29                  appropriate review board in accordance with standard procedures. However, if  
30                  the application is determined incomplete, a recommendation to deny the  
31                  application on that basis shall be provided to the appropriate reviewing entity.

32                  9. Concurrent Applications. Applications may be filed and reviewed concurrently, at the  
33                  option of the applicant.

34       **C. Hearing Notices.** Unless otherwise specified in this Ordinance, all required notices shall  
35       be provided as follows:

- 36                  1. By first class mail, to all owners of record within 1,000 feet of the site, at least 15  
37                  days before the hearing, except as provided below:
- 38                  a. If an application is deemed by the Administrator to be particularly significant to  
39                  the community, the Administrator may require first class mail to all owners of  
40                  record within 3,000 feet of the site.
- 41                  b. Where more than 200 first class mail notices would be required, the  
42                  Administrator may limit mail notice to adjoining owners of record, while providing  
43                  all other forms of notice required by this Ordinance.

2. By newspaper publication, two legal notices in the official newspaper, with the first newspaper notice appearing at least 15 days prior to the hearing and the second one week later;
3. By first class mail, to all potentially affected public agencies, including the appropriate school and fire protection districts, and other interested parties on a list maintained by the Administrator; and
4. By posting at least seven days before the hearing, a sign conveying the required notice shall be placed on the site. Such sign shall be clearly visible from the nearest public road and may be placed at a point of access to the site, rather than on the site when the Administrator determines that so doing will provide more effective notice.
5. The actual cost of mail and newspaper notice shall be in addition to the application fee. No permit shall be issued until payment of all fees is received.
6. The content of all hearing notices shall substantially comply with the following model hearing notices, which may be varied as needed and as circumstances require:

a. PUBLIC HEARING NOTICE - SUBDIVISION PERMIT

[APPLICANT] of [APPLICANT'S FULL ADDRESS] proposes to [DETAILS OF PROPOSED ACTION]. The property is located in [SEC TWP RGE] and is currently [DETAILS OF CURRENT STATE OF SUBJECT PROPERTY]. The property is located [ADDRESS AND EXPANDED DETAILS ON PROPERTY LOCATION FROM RECOGNIZABLE LANDMARKS AND DIRECTIONS TO THE PROPERTY FROM A MAJOR INTERSECTION].

The Teton County Planning and Zoning Commission will conduct a public hearing on this proposal at or about [TIME], [DAY OF WEEK], [DATE], at [LOCATION] in Driggs, Idaho, located at [LOCATION'S ADDRESS]. A full copy of the application is available for public review at the Teton County Planning and Building Office, located at 150 Courthouse Drive, Driggs, Idaho, and open from 8 AM to 5 PM Monday through Friday. Public comment is encouraged. Written comments will be accepted and considered if received in the Teton County Planning and Building Office, 150 Courthouse Drive, Driggs, ID 83422, no later than eight (8) calendar days prior to the meeting.

Any person needing special accommodations to participate in the meeting should contact the Teton County Planning and Building Office seven (7) calendar days prior to the public hearing meeting.

b. PUBLIC HEARING NOTICE – VARIANCE

[APPLICANT] of [APPLICANT'S FULL ADDRESS] seeks a variance from [SPECIFY APPLICABLE PERFORMANCE STANDARDS]. The proposed variance would permit [DETAILS OF VARIATION FROM PERFORMANCE STANDARDS AND THE PROPOSED ACTIVITY]. The property is located [ADDRESS AND EXPANDED DETAILS ON PROPERTY LOCATION FROM RECOGNIZABLE LANDMARKS AND DIRECTIONS TO THE PROPERTY FROM A MAJOR INTERSECTION].

1 The Teton County Planning and Zoning Commission will conduct a public  
2 hearing on this proposal at or about [TIME], [DAY OF WEEK], [DATE], at  
3 [LOCATION] in St. Anthony, Idaho, located at [LOCATION'S ADDRESS]. A full  
4 copy of the application is available for public review at the Teton County Planning  
5 and Building Office, located at 150 Courthouse Drive, Driggs, Idaho, and open  
6 from 8 AM to 5 PM Monday through Friday. Public comment is encouraged.  
7 Written comments will be accepted and considered if received in the Teton  
8 County Planning and Building Office, 150 Courthouse Drive, Driggs, ID 83422,  
9 no later than eight (8) calendar days prior to the meeting.

10  
11 Any person needing special accommodations to participate in the meeting should  
12 contact the Teton County Planning and Building Office seven (7) calendar days  
13 prior to the public hearing meeting.

14 7. Constructive Notice

- 15 a. Minor defects in notice shall not impair the notice or invalidate proceedings  
16 pursuant to the notice if a bona fide attempt has been made to comply with  
17 applicable notice requirements.
- 18 b. Undelivered mailed notice in excess of 25% of total required mailing within a 500-  
19 foot radius of the property only, shall constitute failed notice and shall serve to  
20 invalidate proceedings unless sufficient notice is provided in accordance with this  
21 section.

22 **D. Conditions.** Conditions may be imposed on the approval of any permit or variance,  
23 provided that those conditions are clearly designed to assure compliance with one or  
24 more specific requirements of this Ordinance, and that a list of all conditions imposed is  
25 provided to the Applicant with notification of the Commission's or Board's decision. That  
26 list shall specifically identify the provision of this Ordinance the condition is designed to  
27 implement; no condition may be imposed that does not rely on a provision of this  
28 Ordinance.

- 29 1. Exception. Reasonable and rational conditions not explicitly delineated in this  
30 Ordinance may be imposed on conditional and temporary use permits.
- 31 2. Agencies and Utilities. Agency/Utility comment is informational only and will not be  
32 used as a basis for conditions of approval or application denial except where  
33 specifically required by this Ordinance.

34 **E. Approvals Valid for 2 Years.** Permits shall be valid for two years from the date of  
35 approval, unless extended by an improvement agreement. As authorized by the Board,  
36 the Administrator may act to revoke a permit and/or a certificate of compliance upon  
37 failure to comply with the conditions of approval for a permit or extension, upon the  
38 violation of any of the provisions of this Ordinance, or for misrepresentations or material  
39 omissions made to the Commission or to the Board.

40 **F. Hearings and Deliberations to Be Recorded.** As required by I.C. 67-6536, the  
41 Administrator shall keep a transcribable audio record of all hearings and deliberations on  
42 file for at least six months after the final hearing, including appeals hearings, of the  
43 application.

44 **G. Decision Record.** All decisions of the Commission/Board shall be reported in the form of  
45 a reasoned decision, as required by I.C. 67-6535. The completed decision record shall

1 include the application materials, any report prepared by or on contract for the  
2 Administrator, and all testimony and evidence considered at all hearings and  
3 deliberations. The Administrator's report shall be presented in a form that may serve as  
4 a basis for the Commission/Board's reasoned decision.

5 **H.** Decision Deadline. This article establishes the "reasonable time" for deliberation on  
6 applications by the Commission/Board required by I.C. 67-6519. The Commission/Board  
7 shall make a decision on any application for a permit within 60 days of the close of the  
8 hearing if a hearing is required by this Ordinance, or within 60 days of the meeting at  
9 which the application first appeared on the Commission/Board agenda, whichever is  
10 later. Note that submission of an incomplete application requires no action by the  
11 Commission/Board and that applications for which professionally prepared studies are  
12 required are not complete and subject to action within the deadline established here until  
13 those studies are complete and submitted to the Administrator.

14 **I.** Notice of Decision. Within seven days after a decision is made, a copy of the decision  
15 shall be sent to the applicant and filed with the Administrator and with the Clerk, where it  
16 shall be available for public inspection during regular office hours.

17 **J.** Withdrawal of Application

- 18 1. An applicant may withdraw an application at any time, by filing a statement of  
19 withdrawal with the Administrator/Building Official except as provided in paragraph 3  
20 below.
- 21 2. The statement of withdrawal shall be signed by all persons who signed the  
22 application or their representative.
- 23 3. If a valid zoning protest petition has been filed, the application may be withdrawn only  
24 if the statement of withdrawal is filed no later than five days prior to the date of the  
25 public hearing upon which the matter is to be returned for action by the Board.  
26 Thereafter, the application may be withdrawn only by action of the Board, by majority  
27 vote.
- 28 4. The Administrator/Building Official may withdraw applications due to the failure of the  
29 applicant to submit required information within 90 days of the initial request.
- 30 5. The application shall move forward to the agenda of the appropriate review body or, if  
31 not moved to the appropriate agenda within six months, may be withdrawn by the  
32 Administrator.

### 34 **08-3-5: Administrative Site Plan Review**

35 **A.** Applicability

- 36 1. All proposed development, except for single-family detached and single-family  
37 attached housing types, used exclusively for residential purposes on individual lots,  
38 shall be subject to the administrative site plan review process.
- 39 2. Unless explicitly exempted by state or federal statute, all divisions, departments,  
40 commissions, boards, and authorities of Teton County government shall be subject to  
41 administrative site plan review and shall submit site plans to the Administrator to  
42 review for compliance with the requirements of this Ordinance.

1 **B.** Purpose. The administrative site plan review process assures that careful attention is  
2 given to site design to insure compliance with the codes, ordinances and resolutions  
3 related to land development and building construction.

4 **C.** Administrative Review Process

5 1. Pre-Application Conference. An applicant requesting administrative site plan review  
6 may schedule a pre-application conference in accordance with 08-3-4.A, above.

7 2. Application Requirements

8 a. An application for an administrative site plan shall be submitted in accordance  
9 with 08-3-4B, above, Application Requirements.

10 b. The Administrator has established specific submittal requirements for an  
11 administrative site plan application (see Application for requirements).

12 3. Administrator Action

13 a. All administrative site plans shall be reviewed by the Administrator for  
14 compliance with the provisions of this Ordinance.

15 b. Upon submission of a completed application, the Administrator may schedule the  
16 administrative site plan for review by the Commission. The Commission may  
17 review the site plan for consistency with the requirements of this Ordinance.

18 c. The Administrator shall determine whether the site plan conforms to the  
19 requirements of this Ordinance.

20 4. Approval Criteria

21 a. The Administrator or designee shall review all administrative site plans for  
22 compliance with all applicable requirements of this.

23 b. The approving entity may recommend improvements to the site plan to impose  
24 conditions to minimize adverse effects on the neighborhood or on public facilities,  
25 and to insure compatibility of the proposed development with surrounding  
26 properties, uses, and the purpose and intent of this Ordinance.

27 5. Effect of Site Plan Approval. Approval of an administrative site plan shall permit the  
28 applicant to apply for any other permits and approvals including, but not limited to,  
29 those permits and approvals required by this Ordinance and the building code.

30 6. Appeals. If the Administrator does not approve the application, the applicant may  
31 appeal to the Commission in accordance with 08-3-22, Appeals, of this Ordinance.

32 7. Period of Validity. Approved administrative site plans are valid for 18 months or until  
33 a building permit is issued, whichever is earliest.

34 **D.** Dedication and Improvement

35 1. Public dedication or improvement of streets and alleys, as required in this Ordinance,  
36 shall be required during administrative site plan review of multiple buildings on a tract  
37 or lot and any non single-family residential development.

38 2. When site plans are submitted for multiple buildings on a tract or lot, any apartment  
39 building, or any development on four or more acres in a nonresidential zoning district,  
40 the proposed development shall be subject to the following criteria:

- a. The proposed development shall be reviewed to insure compliance with the requirements of this Ordinance, including any dedications or improvements required.
  - b. The applicant shall install all required improvements as specified in this Ordinance or shall guarantee there installation as provided herein.
  - c. A final plat that will be recorded with the Teton County Clerk shall be required prior to the dedication of any necessary public facilities. For sites with multiple buildings on a tract or lot that do not necessitate the dedication of public facilities, a site plan that will be recorded with the Teton County Clerk shall be submitted.
- E. Site Inspection.** The filing of an application for a permit constitutes permission for the County to conduct inspections of the proposed application site during its consideration of the application and inspection of required improvements. The Administrator may delay consideration of any application when inclement weather or a snow pack prevents a useful on-site inspection.
- F. Administrative Deviation**
1. Applicability. During the administrative site plan review process, the Administrator is authorized to approve administrative deviations to the standards listed below, where, owing to special conditions, strict enforcement of certain would be physically impractical. This optional process shall occur only where the applicant requests an administration deviation to a standard as specified below.
  2. Permitted Deviations. The Administrator shall review the request in light of the intent and purpose of district requirements. The Administrator shall have the authority to approve an administration deviation for the following standards:
    - a. Building and Parking Placement
      - i. Setback encroachment – increase of up to 10% of the maximum permitted setback.
      - ii. Required building frontage (minimum percentage of build-to) – reduction of up to 5% of required length.
      - iii. Parking setback – decrease of up to 5% of the minimum required setback.
      - iv. Maximum building setbacks – allow for the setback to be determined by averaging the setback distance over the width of the building.
    - b. Elements
      - i. Transparency (minimum and maximum percent) – up to 5%.
      - ii. Blank wall area – increase of up to 10% of the maximum permitted blank wall area.
      - iii. Building entrance – reduction up to 10% of the minimum required transparency.
      - iv. Recessed entry – up to 10% of the maximum permitted depth.
    - c. Height
      - i. Minimum floor heights – up to a 10% reduction for any one floor.
      - ii. The minimum ground floor elevation – up to a 10% reduction.
    - d. Additional Provisions

- i. Tandem parking associated with all multifamily housing types.
- ii. Modifications to the landscape buffer requirements.
- iii. Additional fence material or additional fence height.
- iv. Steep slope setback reduction.
- v. Allowance of aboveground utilities on a case-by-case basis.

3. Application Requirements

- a. A request for an administrative deviation shall be submitted in accordance with **08-3-6, Administrative Permit Procedure.**

- b. The Administrator has established specific submittal requirements for a request for an administrative deviation (see Application for requirements).

4. Administrative Deviation Criteria. To approve an administrative deviation, the Administrator shall make an affirmative finding that all of the following criteria are met:

- a. An administrative deviation does not conflict with streets, sidewalks, easements or landscape requirements.
- b. An administrative deviation does not injure or damage the use, value or enjoyment of surrounding property or hinder or prevent the development of surrounding property.
- c. An administrative deviation does not have an adverse impact on land use compatibility.
- d. An administrative deviation does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed.
- e. An administrative deviation will not have an adverse impact on the urban form and/or the street-space.

**08-3-6: Administrative Permit Procedure.** The Administrative Permit procedure provides for the prompt review of minor Applications and plat amendments, while assuring they have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services. The Administrative Permit procedure shall be as follows:

**A.** The Applicant shall file a properly completed permit application form, the required supporting materials, and the required application fee with the Administrator.

1. Site Development Plan. When new construction, a building addition, or placement of any structure is proposed, the Applicant shall submit a site plan prior to the issuance of building permits. A site plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, and exterior lighting. The plan shall demonstrate compliance with siting standards of this Ordinance and the adopted building codes. This site plan must be approved by the Planning and Building Department before a permit will be issued.



- 1 **B.** The Administrator shall determine whether the proposed application is in compliance  
2 with the Plan and this Ordinance. If the proposed application complies with all applicable  
3 performance standards of this Ordinance, the application for a permit shall be approved.  
4 If the proposed application fails to comply with any applicable performance standard of  
5 this Ordinance, the application for a permit shall be disapproved. Where the proposed  
6 application is part of a larger application for which a Subdivision permit was previously  
7 approved, the Administrator shall also determine whether it is in compliance with the  
8 previously approved application plan and all conditions attached to that approval.  
9 Conditions may be attached to approval of any permit.
- 10 **C.** The Administrator shall notify the Applicant of the decision within 10 business days,  
11 except as otherwise provided in this Ordinance.
- 12 **D.** The Administrator's decision on a proposed application or plat amendment may be  
13 appealed to the Commission using the appeals procedure of 08-3-22, Appeals. A notice  
14 of any such appeal shall be filed with the Administrator within 10 business days after  
15 notice of the decision has been issued. Applicants proceed at their risk during the appeal  
16 period.
- 17 **E.** Upon finding that an application or plat amendment will have a significant adverse  
18 impact on environmental quality, neighboring land uses, or public facilities and services,  
19 the Administrator may refer any application for an Administrative Permit to the  
20 Commission. The Commission may, upon confirming the Administrator's finding, require  
21 the application for an Administrative Permit be converted to an application for a  
22 Subdivision permit. Such referrals shall be placed on the agenda of the next regular  
23 Commission meeting.

24

25 **08-3-7: Text Amendment**

- 26 **A.** Applicability. The Board shall consider amendments to the text of this Ordinance in  
27 accordance with the provisions of this Chapter, as set forth below.
- 28 **B.** Application Requirements. An application for a text amendment shall be submitted in  
29 accordance with this Ordinance.
- 30 **C.** Administrator Action
- 31 1. The Administrator shall draft the appropriate text amendment and prepare a staff  
32 report that reviews the proposed amendment setting forth the purpose and reason for  
33 such an amendment.
  - 34 2. The Administrator may schedule the text amendment for review by the Commission.
  - 35 3. Following completion of technical review by staff, the Administrator shall forward the  
36 completed request and any related materials to the Commission.
  - 37 4. The Administrator may contract with an independent planner for professional review  
38 of the application, with the cost of that review being covered by the application fee.  
39 Such reviews shall be prepared in the form of a written report submitted to the  
40 Administrator for use at the hearing. The Administrator shall, upon its receipt, provide  
41 a copy of this report to the Applicant and place it on file for public review with the  
42 other application materials.

1     **D.     Commission Action**

- 2             1. Not less than 35 or more than 75 days after an application has been determined  
3             complete, the Commission shall hold a public hearing and give notice in accordance  
4             with 08-3-4C, Hearing Notices.
- 5             a. As required by I.C. 67-6509, the Administrator shall also make available a notice  
6             to newspapers, radio and television station serving the jurisdiction for use as a  
7             public service announcement.
- 8             b. As required by I.C. 67-6509, notice of intent to adopt, repeal, or amend the Plan  
9             or this Ordinance shall be sent to all political subdivisions providing services  
10            within the planning jurisdiction, including school districts, at least fifteen (15) days  
11            prior to the scheduled public hearing.
- 12            2. The Commission shall make a recommendation on the request for a text amendment  
13            after deliberation and prior to the close of the public hearing. The Commission may,  
14            prior to the close of the public hearing, defer a decision until the next regular meeting  
15            of the Board, at which time it shall recommend approval, rejection, or approval with  
16            conditions, unless held at the request of the applicant.

17     **E.     Board Action**

- 18            1. Within 14 days following the Commission public hearing, the Administrator shall  
19            forward the completed request and any related materials, including the Commission  
20            recommendation, to the Board for final action.
- 21            a. As permitted by I.C. 67-6509, the Board may elect to accept and adopt the  
22            recommendation of the Commission without conducting a separate hearing. In  
23            this case, the Board may skip 08-3-23J and proceed to 08-3-23K.
- 24            b. Alternatively, unless the Application is withdrawn, the Administrator shall  
25            schedule a hearing on the application on the agenda of the next regular Board  
26            meeting for which the notice requirements can be met and at which time will  
27            allow its proper consideration. Notice shall be provided in the same manner as  
28            for the hearing before the Commission.
- 29            2. The Board may approve the text amendment, deny the text amendment, or defer  
30            decision until the next regular meeting of the Board.

31     **F.     Approval Criteria**

- 32            1. In evaluating any proposed amendment of the text of this Ordinance, the Commission  
33            and the Board shall consider the following:
- 34            a. The extent to which the proposed text amendment is consistent with the  
35            remainder of the development code, including, specifically, any purpose and  
36            intent statements;
- 37            b. The extent to which the proposed text amendment represents a new idea not  
38            considered in the existing development code, or represents a revision  
39            necessitated by changing circumstances over time;
- 40            c. Whether or not the proposed text amendment corrects an error in the  
41            development code; and
- 42            d. Whether or not the proposed text amendment revises the development code to  
43            comply with state or federal statutes or case law.

2. In deciding whether to adopt a proposed text amendment to this Ordinance, the central issue before the Board is whether the proposed text amendment advances the public health, safety or welfare and is consistent with the purpose and intent of this Ordinance.

#### **08-3-8: Zoning Change**

**A.** Applicability. The Board shall consider amendments to the Zoning Map in accordance with the provisions of this Article. Amendments to the Zoning Map include the application of a specified frontage, whether it occurs as part of a modification of underlying zoning or as its own zoning change. Amendments also include modifications to any adopted height map, or the initial imposition of a height map where no height map currently exists.

#### **B. Zoning Change Requirements**

1. A zoning change MUST correspond to the Preferred Land Use Map, a part of the Comprehensive Plan. If not, a separate request to change the Preferred Land Use Map must also be filed.
2. A zoning change shall correspond with the boundary lines of existing tracts and lots.
3. Where the boundaries of a zoning change request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed zoning change boundary in accordance with the existing zoning and other requirements of this Ordinance.
4. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the zoning change shall be expanded to include all property necessary to meet zoning requirements.
5. Any zoning change affecting property within a community redevelopment area shall be supported by any applicable Community Redevelopment Plan for that area.

**C.** Pre-Application Conference. An applicant petitioning for a zoning change shall schedule a pre-application conference with the Administrator.

**D.** Application Requirements. An application for a zoning change shall be submitted in accordance with this Ordinance.

#### **E. Administrator Action**

1. The Administrator shall prepare a report that reviews the zoning change request in light of any applicable plans to be considered and the general requirements of this Ordinance.
2. Following completion of technical review by staff, the Administrator shall forward the completed request and any related materials to the Commission.

#### **F. Commission Action**

1. Procedure
  - a. Not less than 35 or more than 75 days after an application has been determined complete, the Commission shall hold a public hearing and give notice in accordance with this Ordinance.

- 1                   b. The Commission shall make a recommendation on the request for a zoning  
2                   change after deliberation and prior to the close of the public hearing. The  
3                   Commission may, prior to the close of the public hearing, defer the decision until  
4                   the next regular meeting of the Board, at which time it shall recommend approval,  
5                   rejection, or approval with conditions, unless held at the request of the applicant.
- 6                   2. Review Criteria. In making recommendations, the Commission shall consider the  
7                   following matters:
- 8                   a. Consistency with any plans to be considered;
- 9                   b. Compatibility with the present zoning (including any residential corridor overlay  
10                  district) and conforming uses of nearby property and with the character of the  
11                  neighborhood;
- 12                  c. Suitability of the subject property for uses permitted by the current versus the  
13                  proposed district;
- 14                  d. Whether the proposed change tends to improve the balance of uses, or meets a  
15                  specific demand in the County; and
- 16                  e. The availability of adequate police services, fire services, school, road, park,  
17                  wastewater treatment, water supply and stormwater drainage facilities for the  
18                  proposed zoning.

19   **G.       Board Action**

- 20                  1. Procedure
- 21                  a. Within 14 days following the Commission public hearing, the Administrator shall  
22                  forward the completed request and any related materials, including the  
23                  Commission recommendation, to the Board for final action.
- 24                  b. The Board shall hold a public hearing and give notice in accordance with this  
25                  Ordinance on the proposed zoning change after the receipt of the  
26                  recommendations of the Commission, and if applicable, the Administrator.
- 27                  c. The Board may approve the zoning change, deny the zoning change, or defer  
28                  decision until the next regular meeting of the Board.
- 29                  2. Approval Criteria. In approving a zoning change, the Board shall consider the  
30                  following matters:
- 31                  a. Consistency with any plans to be considered;
- 32                  b. Compatibility with the present zoning (including any residential corridor overlay  
33                  district) and conforming uses of nearby property and with the character of the  
34                  neighborhood;
- 35                  c. Suitability of the subject property for uses permitted by the current versus the  
36                  proposed district;
- 37                  d. Whether the proposed change tends to improve the balance of uses, or meets a  
38                  specific demand in the County; and
- 39                  e. The availability of adequate school, road, park, wastewater treatment, water  
40                  supply and stormwater drainage facilities for the proposed zoning.

41   **H.       Protest Petition to Force Reconsideration**

1. Upon reconsideration, the Board may approve or reject a proposed amendment by a two-thirds vote.
2. To prompt the reconsideration, the petition must:
  - a. Be a written petition actually bearing the signatures and addresses of the requisite number of property owners and stating that the signers do protest the proposed change.
  - b. Be received at least five days before the scheduled public hearing before the Board.

**I.** Modification of Application. An applicant in a zoning matter may reduce the geographic scope or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Administrator.

**J.** Time Lapse between Applications

1. In the event of a withdrawal of an application after the second reading by the Board, no application for the same property may be filed requesting the same rezoning of any portion of the property contained in the withdrawn application prior to the expiration of a minimum period of 18 months from the withdrawal of the application.
2. When the Board have voted on a rezoning application and the proposed rezoning has either been denied or has failed to be approved by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
3. No subsequent application on the same property requesting the same rezoning for any portion of the property contained in an application which has expired may be made prior to the expiration of a minimum period of 18 months from the date of expiration.
4. The Board may waive the time-lapse requirements of this section where it is deemed to be in the public interest to do so.

**K.** Comprehensive Zoning Change

1. Purpose. The purpose of a comprehensive zoning change is to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established public plans and policies, and planned public facilities. Through comprehensive zoning change, consideration will be given to the character of the areas, suitability of particular uses, protecting natural areas, conservation and protection of aesthetics, conserving the value of buildings and communities and encouraging the most appropriate use of land throughout the County. These procedures shall further the protection of the health, safety and general welfare of the citizens of the County.
2. Designated Areas. Comprehensive zoning changes shall be limited to those areas designated as planning districts or planning areas, or other areas for which a plan has been approved or adopted by the Board after a public hearing and notice has been given in accordance with this Ordinance. In addition, this procedure may be used to comprehensively zone properties in accordance with Federal Emergency Management Agency floodway and floodplain maps.

**08-3-9:** Special Use and Planned Development Review.

**A.** Applicability

1. Special uses within each zoning district are uses that may be appropriate in a particular zoning district, but because of the increased potential for incompatibility with adjacent uses, require individual review by the Board.
2. A special use permit is required for all special uses as set forth in this Ordinance, unless a waiver is obtained from the Administrator.
3. A special use permit is also required for all planned developments.
4. A special use permit is required for any expansion, modification or amendment to a use variation, its permitted uses or conditions placed on its permitted uses that was granted by the County prior to the adoption of this Ordinance.
5. Except for planned developments, where a use requiring special use approval lies on a separate tract or lot, only the building containing the use and its separate tract or lot shall be subject to special use review, not the entire project. However, where the separate tract or lot is an outparcel, the application for special use shall describe the relationship of the outparcel to the remaining site.

**B. Pre-Application Conference.** An applicant requesting a special use permit shall schedule a pre-application conference in accordance with this Ordinance

**C. Application Requirements**

1. An application for a special use permit shall be submitted with a site plan in accordance with this Ordinance.
2. An application for a planned development shall be submitted with an outline plan in accordance with this Ordinance.
3. The Administrator has established specific submittal requirements for special use permit applications (see Application for requirements).

**D. Administrator Action**

1. Upon submission of a completed application, the Administrator may schedule the application for review by the Commission. The Commission shall review the associated site plan or outline plan for consistency with the requirements of this Ordinance.
2. Upon completion of the technical review, the Administrator may meet with the applicant to discuss any changes in development design.
3. The Administrator shall prepare a report that reviews the application in light of comments provided by the Commission, and in light of any plans to be considered and the general requirements of this Ordinance. The report, site plan or outline plan, special use request and any related application materials shall be forwarded to the Commission.

**E. Commission Action**

1. Not less than 35 or more than 75 days after an application has been determined complete, the Commission shall hold a public hearing and give notice in accordance with this Ordinance.
2. The Commission shall, after deliberation and prior to the close of the public hearing, recommend approval, rejection, approval with conditions or take the matter under advisement or defer decision until the next regular meeting of the Commission at which time it shall recommend approval, rejection, or approval with conditions, unless held at the request of the applicant. The Commission shall act upon a special use or

1                   planned development application within 75 days after the application has been  
2                   determined complete, without exception.

3   **F.     Board Action**

4               1.   Upon Appeal

5               a.   Objection to a Commission recommendation or condition of approval may be  
6               made by filing a written notice of appeal with the Administrator within 14 days  
7               after the date of the close of the public hearing. An appeal by the applicant shall  
8               be accompanied by a site plan incorporating all revisions for conditions or  
9               recommendations to which the applicant does not object.

10              b.   If an appeal is filed by the applicant, or opponents to the proposed special use or  
11              planned development, the Board shall hold a public hearing and give notice in  
12              accordance with this Ordinance, on the application after receipt of the decision of  
13              the Commission and the recommendations of the Administrator. The Board shall  
14              approve or disapprove the special use permit or planned development and shall  
15              set forth any conditions imposed.

16              2.   No Appeal

17              a.   If no appeal is filed by the applicant or opponents to the proposed special use or  
18              planned development, the Administrator shall forward the recommendation of the  
19              Commission to the Board within 14 days of submittal of a revised site plan, or the  
20              close of the public hearing, whichever date occurs later.

21              b.   If there is no appeal, no public hearing is required before the Board.

22   **G.     Approval Criteria.** No special use permit or planned development shall be approved  
23   unless the following findings are made concerning the application:

24              1.   The project will not have a substantial or undue adverse effect upon adjacent  
25              property, the character of the neighborhood, traffic conditions, parking, utility facilities  
26              and other matters affecting the public health, safety, and general welfare.

27              2.   The project will be constructed, arranged and operated so as to be compatible with  
28              the immediate vicinity and not interfere with the development and use of adjacent  
29              property in accordance with the applicable district regulations.

30              3.   The project will be served adequately by essential public facilities and services such  
31              as streets, parking, drainage, refuse disposal, fire protection and emergency  
32              services, water and sewers; or that the applicant will provide adequately for such  
33              services.

34              4.   The project will not result in the destruction, loss or damage of any feature  
35              determined by the Board to be of significant natural, scenic or historic importance.

36              5.   The project complies with all additional standards imposed on it by any particular  
37              provisions authorizing such use.

38              6.   The request will not adversely affect any plans to be considered, or violate the  
39              character of existing standards for development of the adjacent properties.

40              7.   The Board may impose conditions to minimize adverse effects on the neighborhood  
41              or on public facilities, and to insure compatibility of the proposed development with  
42              surrounding properties, uses, and the purpose and intent of this Ordinance.

43   **H.     Conditions of Approval**

1. In granting approval of a special use permit or planned development, the Board may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limits on scale, intensity, or hours of operation; and other reasonable restrictions.
2. Any additional condition approved by the Board shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

**I. Planned Development Special Requirements. The following additional requirements shall apply to all planned developments.**

1. Outline Plan Required. A complete application for approval of a planned development shall include an outline plan consistent with the requirements of this Ordinance.
2. Standards for Planned Development. All planned developments shall meet the standards set forth in this Ordinance. The application may state which zoning district serves as the basis for the planned development, along with a description of the waivers or exceptions to the standards applicable in that district necessary to achieve the development proposed in the outline plan.
3. Action After Approval
  - a. Approval of a planned development and associated outline plan does not constitute final plan approval.
  - b. An approved outline plan shall bind the applicant and the Board with respect to the contents of the outline plan.
  - c. Review of projects within a planned development shall occur using all of the standards applicable to the district applied in the outline plan, with the exception of any modification of standards expressly approved by the Board.
4. Final Plan Approval
  - a. Application Requirements
    - i. An application for a final plan shall be submitted in accordance this Ordinance and reviewed in conformance with this Ordinance.
    - ii. The Administrator has established specific submittal requirements for final plan review (see Application for requirements).
  - b. Administrator Action
    - i. Upon submission of a completed application, the Administrator may schedule the final plan for review by the Commission. The Administrator and Commission, if applicable, shall review the final plan for consistency with the outline plan and other applicable requirements of this Ordinance. The Administrator shall determine whether the submitted plan substantially conforms to the approved outline plan and other applicable requirements of this Ordinance.
    - ii. Upon completion of the technical review, the Administrator may meet with the applicant to discuss any changes in development design.
  - c. Final Plan Approval Criteria



- i. A final plan shall be found to conform to an approved outline plan if it conforms to the approved outline plan; provided, however, such final plan shall also be found to conform if:
- ii. It provides for less density than the approved outline plan, except where such density was a condition of approval; or
- iii. It provides greater open space; or
- iv. It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:
  - a. 25 feet for final plans of two or less acres;
  - b. 50 feet for final plan of more than two but less than eight acres;
  - c. 100 feet for final plans of eight acres but than 20 acres; and
  - d. 150 feet for final plans of 20 acres or more.

5. Approved Outline or Final Plan Amendments

- a. Development Schedule Modifications. The Commission may amend or waive a development schedule upon submission of written justification by the applicant.
- b. Minor Modifications
  - i. Modifications may be approved by the Administrator if the revisions are within the scope and intent of the original approval and meet the following requirements:
    - a. Compliance with all applicable requirements of this Ordinance;
    - b. Modification provides for less density or intensity of development except where such minimum density or intensity was a condition of approval;
    - c. Provides for greater open space;
    - d. That the modification will not have a substantial or undue adverse effect upon adjacent properties, the neighborhood, traffic conditions, parking, public infrastructure, and other matters affecting the public health, safety and general welfare;
    - e. That the proposed modification will not result in the destruction, loss, or damage of any significant natural, scenic, or historic district, site, or feature; and
    - f. The Administrator may include conditions to insure compatibility of the proposed modification with surrounding properties, uses, and the purpose and intent of this Ordinance.
  - ii. The Administrator shall notify the applicant whether the revision qualifies for administrative approval and the basis for the determination.
  - iii. The Administrator, following consultation with the Commission, if appropriate, shall act on the revised plan within 21 days.
  - iv. Only property owners within the modified portion of the planned development shall be required to sign the outline plan or final plan for recording.
- c. Major Modifications

- i. Proposed modifications to an approved outline plan or final plan not considered minor shall be subject to approval of the Commission with an appeal to the Board.
  - ii. A modification to an outline or final plan shall require notification to all property owners within the planned development but shall not require property owners to sign the modification application.
  - iii. The Administrator may also require notification to adjacent property owners, and/or notification to property owners within 500 feet of the property or area of the modification.
  - iv. Only property owners within the modified portion of the planned development shall be required to sign the outline plan or final plan for recording.
- d. Modification Procedures
- i. The applicant shall submit an outline or final plan modification request to the Administrator requesting authorization for administrative revision.
  - ii. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Administrator's signature and date of signing.
  - iii. Unless otherwise required by the planned development, each current owner directly affected by the modification shall provide an owner and notary certificate, or adequate written documentation that the current owners do not object to the change.
  - iv. In addition to the written request and revised plan, the applicant shall submit the required fees to the Administrator for processing and rerecording the revised plat.
  - v. The Administrator shall distribute copies of the revised plan to the appropriate agencies.

## **J. Modifications to Approved Special Use Site Plans**

### **1. Minor Modifications**

- a. If a proposed amendment to a special use permit site plan represents only a minor modification from the approved plan, the applicant shall file a written application for such amendment with the Administrator delineating the revisions and requesting authorization for administrative revision. Minor modifications shall include, but are not limited to, the following:
  - i. A less than five percent increase, or any decrease, in the floor area or number of units.
  - ii. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:
    - a. Less than 25 feet for site plans of two or less acres;
    - b. Less than 50 feet for site plans of more than two but less than eight acres;
    - c. Less than 100 feet for site plans of eight acres but less than 20 acres; and

- d. Less than 150 feet for site plans of 20 acres or more.
  - e. The correction of drafting errors on the approved plan.
  - b. The Administrator shall notify the applicant whether the proposed revision qualifies for administrative approval and the basis for the determination.
  - c. The Administrator shall distribute copies of the revised plan to the appropriate agencies.
  - d. The Administrator, following consultation with the Commission, if appropriate, shall act on the revised plan within 21 days.
2. Major Modifications. If a proposed modification to a special use permit site plan is a substantial modification from the approved plan or conditions imposed, the modification shall be subject to the approval of the Board.
- K. Effect of Special Use and Planned Development Decisions**
1. If the Board votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 18 months have elapsed from the date of denial. The Board may waive the time-lapse requirements of this section where it is in the public interest to do so.
  2. Unless otherwise conditioned, the special use permit or planned development, and any conditions imposed, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.
  3. A special use permit or planned development shall be noted on the Zoning Map.
  4. The issuance of a special use permit for a particular use shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.
  5. The issuance of a planned development shall not allow the development of the site, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, site plan and subdivision approval, building permits and certificates of occupancy.
  6. The Building Official shall not issue a certificate of occupancy for a special use permit or planned development if any of the conditions imposed by the Board in the approval have not been met.
- L. Period of Validity**
1. Planned developments shall expire in accordance with the outline plan.
  2. Excluding planned developments, special use permits shall be implemented within 24 months of final approval or such permits shall be void. The Commission, however, upon application, may grant extensions in increments not exceeding two years upon a finding that the character of the neighborhood has not substantially changed since approval of the original special use that would require a public hearing as in the case of the original granting of the special use.
  3. Excluding planned developments, if a special use permit has not been in use for any consecutive 24-month period, the permit shall be void. The applicant, at the time of a request for a certificate of occupancy, shall be responsible for providing proof to the Building Official of such continued use.

1 **M. Revocation of a Special Use Permit or Planned Development**

- 2 1. If any conditions of a special use permit, planned development or other requirements  
3 of this Ordinance are violated, the Board may revoke all or a portion of a special use  
4 permit or planned development.
- 5 2. Revocation may occur after an evidentiary hearing is conducted by the Board.
- 6 3. A special use permit or planned development may be revoked upon a majority vote of  
7 the Board approving the development.
- 8 4. Violation of a condition of approval shall be considered a violation of this Ordinance  
9 and thereby subject to the provisions of **Chapter 4, Enforcement**, as well as this  
10 section.

11 **N. Coordination with Variances.** An application for a variance may be submitted  
12 concurrently with a request for a special use permit. However, decisions shall be  
13 rendered separately for any variance and the special use permit.

14 **O. Coordination with Zoning Change Applications.** An application for a special use permit  
15 may be reviewed concurrently with a zoning change application. However, decisions  
16 shall be rendered with separate motions.

17 **P. Significant Neighborhood Structure (SNS) Provisions**

- 18 1. Purpose. Significant Neighborhood Structure (SNS) provisions are intended to  
19 protect and preserve existing non-residential neighborhood structures that are  
20 important to the historical, architectural, cultural or civic character of the  
21 neighborhood. Some existing older buildings, such as corner stores and churches,  
22 may not physically lend themselves for permitted uses within residential areas. While  
23 this situation does not pose a problem for previously existing non-conforming uses  
24 that are grandfathered in, abandoned uses lose such status. These provisions give  
25 relief by allowing for non-residential uses following certain criteria as a way to provide  
26 an economically viable means to preserve Significant Neighborhood Structures. The  
27 designation of Significant Neighborhood Structure status for specific properties shall  
28 be processed as Special Uses.
- 29 2. Criteria for Consideration. A Significant Neighborhood Structure is defined as a  
30 structure, its appurtenances and the associated property that has historical, cultural,  
31 architectural, or civic value and/or importance; and whose demolition or destruction  
32 would constitute an irreplaceable loss to the quality and character of its  
33 neighborhood; and that meets one or more of the following criteria:
- 34 a. It was originally constructed as a non-residential structure;
- 35 b. It is recognized as a significant element of the neighborhood and/or community;
- 36 c. It embodies characteristics that distinguish it from other structure of the  
37 neighborhood and/or community;
- 38 d. It is considered historically or architecturally significant;
- 39 e. Rezoning the property on which the structure exists to a general zoning district  
40 inconsistent with surrounding or adjacent properties would have a significant  
41 negative impact the neighborhood and/or community;
- 42 f. Retaining the feature is important in maintaining the traditional neighborhood  
43 fabric;

- g. Retaining the structure will help to preserve the variety of buildings and structures historically present within the neighborhood, recognizing that such structure may be differentiated by age, function and architectural style in the neighborhood and/or community;
  - h. Retaining the structure will help to reinforce the neighborhood and/or community's traditional and unique character.
3. Significant Neighborhood Structure Development Plan. A development plan for the reuse of any structure to be identified as an SNS shall be submitted to the Administrator and approved by the Commission and appropriate Board. No building permits, or land development permits of any other kind, shall be issued prior to the approval of the SNS development plan. Depending upon the extent of information determined necessary by the Administrator on an application-by- application basis, the following types of information may be required:
- a. A site plan of the proposed SNS, including underlying existing zoning districts;
  - b. The location, orientation, and size of all existing and proposed structures, features and other elements and associated parking spaces;
  - c. The location of any structure on any property adjacent to the boundaries of the district;
  - d. The type, location, number and size of all significant existing and proposed vegetation;
  - e. The location, height and type of all existing and proposed fences or walls;
  - f. The location of any accessory structures for refuse collection, recycling or feature maintenance;
  - g. The location of all existing and proposed access points, loading areas and drive-thru lanes;
  - h. The location and name of all existing streets and alleys;
  - i. Photographs of all relevant site conditions, buildings, and other features;
  - j. Tabular data identifying the specific existing and proposed uses and square footage; structure height(s) and parking spaces;
  - k. Certification by a civil engineer, architect, or landscape architect directly involved in the preparation of the development plan.

**Q.** Permitted Land Uses. See Use Table, (see reference).

1. [RESERVED FOR CODE STUDIO]

**R.** Design Principles

1. Building Mass & Scale. The mass and scale of any new construction or alternations to a structure shall be compatible with the existing on-site and surrounding uses, buildings, structures and streetscape.
2. Parking. The number of required parking spaces shall be established recognizing available on-street parking and alternative parking available in the area. New parking spaces shall be located so as not to disrupt the continuity of the existing neighborhood context, building rhythm and streetscape and shall be placed to the side and rear of the key site feature being preserved to the extent possible.

3. Lighting. Lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood. Lighting shall be concealed or shielded to avoid glare and off-site impacts on abutting properties. Light poles and fixtures shall be compatible with the function and design of the structure and the abutting properties.
4. Signs. Any sign, where permitted as part of an SNS development plan, shall be consistent with the context, scale, and character of the neighborhood where the district is located. The site structure's mass and scale, and the neighborhood in which it is located, shall be considered in sign size and design to ensure sensitivity and proportion to surrounding properties.
5. Landscaping. Landscaping shall enhance and reinforce the distinguishing characteristics of the key site structure of site element, and appropriately buffer any physical alteration from adjacent properties.

**S.** Alternative Standards. In addition to alternative permitted land uses, the approval of an SNS development plan, may establish alternative standards for minimum lot area, setback and building height standards. A finding must be made that those standards would serve to enhance and provide a strong sense of place, permit the reasonable use of the property, and not impair the continued use and enjoyment of abutting properties.

**T.** Cancellation. In the event that a building permit or certificate of occupancy has not been issued for the SNS property within two years from the date that the appropriate Board approved the SNS development plan, the Commission may act to cancel a SNS designation at any time thereafter, upon giving the property owners 30 day's prior notice to the Commission's called public hearing at which the cancellation will be considered.

**08-3-10: Subdivision Permit Procedures.** The purposes of the Subdivision permit procedures are to assure effective regulation of applications that may have significant impacts on public facilities, environmental quality, or neighboring uses. The Subdivision permit procedures shall be as follows.

**A.** Applicability. Except as expressly exempted below, no land shall be subdivided within the unincorporated portion of Teton County until:

1. The applicant has submitted a minor or major preliminary plan in accordance with this Article; and
2. The applicant has obtained approval of the minor or major preliminary plan and final plat; and
3. The approved final plat is filed and recorded in the Teton County Clerk's Office; or
4. The applicant has obtained approval of a planned development final plat and the plat is recorded in the Teton County Clerk's Office.

**B.** Dedication and Improvement

1. A final plat shall require the dedication and improvement of necessary public facilities to provide adequate public streets, sidewalks, or other public infrastructure for the development.
2. Prior to final construction acceptance, the applicant shall have installed all required improvements as specified in this Ordinance or guarantee their installation.

3. No municipal services or utilities shall be extended or furnished to any development until the applicant has installed the required improvements or guaranteed their installation.
4. Engineering plans and specifications shall be in accordance with applicable standards of the County pertaining to construction of, paving, drainage, sidewalk, driveways, streets, alleys, culverts, and any other facilities regulated by County ordinances or design standards.
5. No construction shall commence until all plans, profiles and specifications have been reviewed and approved by the City, County or other governmental approving agency.
6. The applicant shall enter into a standard improvement contract to construct, at the applicant's expense, improvements as specified in the approved construction documents as approved.
7. The final plat shall not be recorded by the Teton County Clerk's office until verification is provided by the developer that the municipal services or utilities have been installed, or financially guaranteed if not yet installed.

**C. Subdivision Review Exemptions. The following are exempted and are not subject to review under this Article (see Permit Required):**

1. Any division of land recorded after **March 1, 1989**, in unincorporated Teton County, where each tract created conforms to the standards for exemption in either Paragraph a or Paragraph b below:
  - a. **Four to 20 acres**
    - i. The division of land into tracts of between four and 20 acres exclusive of existing road right-of-way, or right-of-way to be reserved; and
    - ii. Each tract has a minimum of 50 feet of frontage on a public road and a minimum width of 50 feet; and
    - iii. Each tract has reserved right-of-way with the applicable road authority, provided such reservation shall be limited to a period of ten years; and
    - iv. Each tract has drainage flows exiting the tract produced by watersheds of less than 250 acres; and
    - v. Any tract greater than four acres that does not conform to paragraph iv above shall not be granted such exemption unless approved by the County Engineer. The County Engineer may require drainage improvements including riprapping, dredging, sloping, seeding, sodding and other efforts to ensure the proper flow of storm water and to minimize erosion. Upon satisfactory completion of the improvements and inspection by the County Engineer, a building permit may be issued.
  - b. **20 acres or larger**
    - i. The division of land into tracts of 20 acres or more exclusive of existing road right-of-way, or right-of-way to be reserved; and
    - ii. Each tract has a minimum of 50 feet of frontage on a public road and a minimum width of 50 feet.
  - c. Certification. The owner of any tract claiming to be exempt from subdivision review shall, at the time a building permit is applied for, provide to the Building Official a sealed survey and certification by a professional engineer that the tract

and all other tracts created by division of the original tract of record to be in conformance with either Paragraph a or Paragraph b above. The original tract of record shall be defined as that tract of land existing by recorded deed or plat prior to March 1, 1989.

2. The sale, exchange, or combining of parcels of land between one or more owners of adjoining properties, provided additional lots are not created and that the resulting parcels are not less than the minimum sizes required by this Ordinance; and further provided that the resulting parcel from such sale, exchange, or combining of properties shall not be eligible for two dwellings in the base zoning districts.
3. The division or sale of land by judicial decree or by sale to any governmental agency for a public purpose.
4. Tracts recorded by deed or plat prior to March 1, 1989.

**D. Subdivision Types.** There are two types of subdivision review with differing levels of approval required for each. The criteria for establishing the applicable review process and the corresponding level of approval for each are indicated below.

1. Minor Subdivision

- a. A minor subdivision is a subdivision that complies with the following:
  - i. Consists of not less than two, but not more than six lots.
  - ii. Does not require the installation of any public improvements or the dedication of any public easements.
  - iii. Does not propose the re-subdivision of any lot in a previously approved subdivision.
  - iv. All lots shall have the minimum required frontage on an existing approved or improved public street as set forth in the Dimensional Standards for the district in which the property is located and only one lot may be configured as a flag lot.
  - v. Comprises only one phase.
  - vi. Does not adversely affect the development of adjoining property and is not in conflict with any provisions of this Ordinance.
- b. Minor subdivision review requires minor preliminary plan approval and final plat approval.

2. Major Subdivision

- a. All other divisions of land not exempted in this Ordinance or listed in Paragraph 1 above shall be considered major subdivisions.
- b. Major subdivision review requires major preliminary plan approval and final plat approval.

**E. Pre-Application Conference**

1. An applicant seeking subdivision approval shall schedule a pre-application conference.
2. At the time of the pre-application conference, an applicant shall submit a sketch plan for review. This plan shall, in simple sketch form, show the proposed layout of streets; lots and other features in relation to existing conditions.



3. The Administrator shall make a determination as to which approval process authorized by this Chapter can be used. The Administrator may require the applicant to submit whatever supplemental information is necessary to make this determination.

#### **F. Minor Preliminary Plan Review**

1. Applicability. The expedited procedure for approval of minor subdivisions is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest.
2. Delegation of Authority. The Board hereby delegates review and approval authority for all minor preliminary plans to the Administrator, with an appeal to the Commission.
3. Application Requirements
  - a. An application for a minor preliminary plan shall be submitted.
  - b. The Administrator has established specific submittal requirements for a minor preliminary plan application (see Application for requirements).
4. Administrator Action
  - a. Upon submission of a completed application, the Administrator may optionally schedule the minor preliminary plan for technical review by the Commission (sometimes called a "sketch plan"). If applicable, the Commission shall review the minor preliminary plan for consistency with the requirements of this Ordinance.
  - b. The Administrator shall, after any optional technical review by the Commission, determine whether the submitted plan conforms to the standards for a minor subdivision.
  - c. If the minor preliminary plan is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with major preliminary plan approval.
5. Action Following Approval
  - a. Upon minor preliminary plan approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this Ordinance, and any other applicable regulations.
  - b. Approval of a minor preliminary plan does not constitute approval of the final plat. Application for approval of the final (recorded) plat will be considered only after the requirements for final plat approval have been fulfilled and after all other specified conditions have been met.
6. Continuing Validity of Minor Preliminary Plans. An approved minor preliminary plan shall retain its validity for two years. An applicant may request an extension of time. Requests for extensions shall be submitted in writing to the Administrator prior to the expiration date. The applicant shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, an extension shall be for a 24-month period, and only one such extension shall be granted.
7. Approval Criteria. Minor preliminary plans shall be approved only when the Administrator, finds that all of the following conditions exist:
  - a. The plan complies with the absolute and relative standards of this Ordinance;

- b. The plan indicates that all subject lots will have frontage on existing approved or improved streets;
- c. The plan does not propose the resubdivision of any lot in a previously approved subdivision;
- d. New or residual tracts conform to the requirements of this Ordinance and other applicable regulations;
- e. No new streets are required or are likely to be required for access to interior property;
- f. No drainage or utility easements will be required to serve interior property;
- g. No extension of public sewerage or water lines will be required;
- h. The subdivision shall comprise only one phase;
- i. The proposed subdivision will not adversely affect permissible development of the remainder of the tract or of adjoining property; and
- j. No waivers from the requirements of Infrastructure and Public Improvements have been requested.

**G. Major Preliminary Plan Review**

- 1. Applicability. Major preliminary plan submittal is required for all subdivisions that do not meet the definition of a minor subdivision.
- 2. Delegation of Authority. The Board hereby delegates review and approval authority for all major preliminary plans to the Commission, with review by Administrator subject to appeal to the Board. .
- 3. Application Requirements
  - a. An application for a major preliminary plan shall be submitted.
  - b. The Administrator has established specific submittal requirements for a major preliminary plan application (see Application for requirements).
  - c. An application for a waiver from any of the provisions for a major preliminary plan shall be submitted in writing by the applicant at the time the major preliminary plan is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.
- 4. Administrator Action
  - a. Upon submission of a completed application, the Administrator may schedule the major preliminary plan for technical review by the Commission (sometimes called a "sketch plan"). If applicable, the Commission shall review the major preliminary plan for consistency with the requirements of this Ordinance.
  - b. Upon completion of the technical review, the Administrator may meet with the applicant to discuss any changes in development design.
  - c. The Administrator shall prepare a report that reviews the application in light of comments provided by the Commission, any plans to be considered, and the general requirements of this Ordinance. The report, major preliminary plan and any related application materials shall be forwarded to the Commission.
- 5. Commission Action

- 1 a. Not less than 35 or more than 75 days after an application has been determined  
2 complete, the Commission shall hold a public hearing and give notice in  
3 accordance with this Ordinance.
- 4 b. The Commission shall approve, approve with conditions, or reject the major  
5 preliminary plan after deliberation and prior to the close of the public hearing. The  
6 Commission may, prior to the close of the public hearing, take the matter under  
7 advisement or defer decision until the next regular meeting of the Board.

8 6. Waivers

- 9 a. The Commission is authorized to approve waivers to the requirements for a  
10 major preliminary plan where the Commission finds that extraordinary hardships  
11 or practical difficulties may result from strict compliance and where the intent of  
12 this Ordinance may be served to a greater extent by an alternative proposal.
- 13 b. A waiver shall not have the effect of nullifying the intent and purpose of this  
14 Ordinance, and the Commission shall not grant a waiver unless the Board makes  
15 findings based upon the evidence presented in each case that:
- 16 i. The granting of the waiver will not be detrimental to the public safety, health,  
17 or welfare or injurious to other property or improvements in the neighborhood  
18 in which the property is located;
- 19 ii. The conditions upon which the request for a waiver are based are unique to  
20 the property for which the waiver is sought and are not generally applicable  
21 to other property;
- 22 iii. Because of the particular physical surroundings, shape, or topographical  
23 conditions of the specific property involved, a particular hardship to the owner  
24 would result, as distinguished from a mere inconvenience, if the strict letter of  
25 this Ordinance are enforced; and
- 26 iv. The purpose of the wavier is not based primarily upon financial  
27 consideration.
- 28 c. In granting a waiver, the Commission may require such conditions as will, in its  
29 judgment, secure substantially the objectives of the standards or requirements of  
30 this Ordinance.

31 7. Action Following Approval

- 32 a. Upon major preliminary plan approval, the applicant may begin proceedings to  
33 enter into a standard improvement contract to begin site work and installation of  
34 improvements. All work shall be performed in compliance with the requirements  
35 of this Ordinance, and any other applicable regulations.
- 36 b. Approval of a major preliminary plan does not constitute approval of the final plat.  
37 Application for approval of the final (record) plat will be considered only after the  
38 requirements for final plat approval have been fulfilled and after all other  
39 specified conditions have been met.

40 8. Approval Criteria. A major preliminary plan shall be approved by the Commission if it  
41 meets the following criteria:

- 42 a. Conforms with all the provisions and requirements of any plans to be considered;
- 43 b. There are adequate public facilities available, to be provided by the applicant or  
44 programmed within the five- year capital improvements program of the Board to  
45 accommodate the proposed development;

- c. Conforms with all the applicable provisions and requirements of this Ordinance;  
and
  - d. Conforms with all the provisions and requirements of other applicable codes and ordinances relating to land development not included in this Ordinance.
9. Continuing Validity of Major Preliminary Plans. An approved major preliminary plan shall retain its validity as set forth below.
- a. Bond. Applicants submitting a security deposit, instead of installing required improvements, shall retain a valid approved plan for a period not exceeding 24 months from the date of preliminary approval.
  - b. No Bond. Applicants posting no security deposit and installing required improvements shall retain a valid approved plan for a period not exceeding 24 months from the date of preliminary approval.
  - c. Phases. A subdivision containing multiple phases may be conditioned by the Commission to a time frame requiring the submittal of final plans. The preliminary plan approval will expire if final plans are not in accordance with the Board's approval time frame.
  - d. Time Extension. An applicant may request an extension of time. Requests for extensions shall be submitted in writing to the Administrator prior to the expiration date. The applicant shall indicate the reasons for the extension and the estimated time for finalizing the development. When granted, an extension shall be for a 12-month or 24-month period.

## **H. Final Plat Review**

- 1. Applicability
  - a. All division of land not exempted in this Ordinance shall require final plat approval as set forth below.
  - b. The final plat shall constitute only that portion of the approved preliminary plan (if required) that the applicant proposes to record and develop at the time of submission. Approval of the final plat shall be subject to the installation of the improvements designated in Infrastructure and Public Improvements, or certified evidence that requirement improvements will be installed in accordance with this Ordinance.
- 2. Application Requirements
  - a. An application for final plat approval shall be submitted.
  - b. The Administrator has established specific submittal requirements for a final plat application (see Application for requirements).
- 3. Administrator Action
  - a. Upon submission of a completed application, the Administrator may schedule the final plan for technical review by the Commission. The Administrator shall review the final plat for consistency with the requirements of the preliminary plan and other applicable requirements of this Ordinance. The Administrator shall determine whether the submitted plan substantially conforms to the approved preliminary plan and other applicable requirements of this Ordinance.
  - b. Upon completion of the staff technical review, the Administrator may meet with the applicant to discuss any changes in development design.

- c. If the final plat contains dedication of streets, public easements, public or private drainage easements, or construction of public improvements, the Administrator shall forward copies of the final plat to the appropriate County Engineer requesting preparation of any required contracts and approval resolutions for the Board. The Administrator shall complete the review of the final plat and notify the applicant of nonconformities, omissions, or corrections required before the final plan is forwarded for Board' action.
- d. If a final plat contains no dedication of streets or public easements, public or private drainage easements, or construction of public improvements, the Administrator shall approve the final plat if it conforms to the approved preliminary plan.

4. Board Action

- a. If the final plat contains dedication of streets, public easements or construction of public improvements, then the Board shall approve the final plat before such plat is recorded.
- b. Upon receiving notification from the Administrator that the final plat is complete and correct, the appropriate County Engineer shall within 14 days forward to the Board, the final plat with the appropriate resolution and standard improvement contract executed by the applicant.
- c. The Board shall approve the final plat if it is in compliance with the approved preliminary plan.
- d. If the final plat is disapproved by the Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plan does not comply. A revised final plat may be submitted to the Administrator for further consideration.

5. Approval Criteria. Final plats shall be approved only when the following conditions exist:

- a. The plat substantially complies with the approved preliminary plan.
- b. The plat complies with the applicable standards of this Ordinance;
- c. New and residual tracts will conform to the requirements of this Ordinance and other applicable regulations;
- d. All required right-of-way has been offered for reservation or dedication; and
- e. All required public and/or private easements have been provided.

6. Action After Approval

- a. After a final plat is approved by the Board, the Administrator shall record such plat in the Teton County Clerk's Office after receipt of the resolution approving the final plat and any necessary contracts to provide improvements required (Infrastructure and Public Improvements), and the required signatures for recordation have been secured. If the final plan contains no dedication of streets or easements or construction of public improvements, then the Administrator shall record such plan without action of the Board.
- b. Following recordation of the final plat, the Administrator shall distribute a copy of the plat to the Building Official, the Board, the Fire Department, and other agencies responsible for providing services to the property.

1   **I.       Approved Plan or Plat Modifications**

2           1.   Minor Modifications

- 3               a.   Minor Preliminary Plan. Modifications to an approved minor preliminary plan may  
4               be approved by the Administrator.
- 5               b.   Major Preliminary Plan. Minor revisions to an approved major preliminary plan  
6               may be approved by the Administrator if the revisions are within the scope and  
7               intent of the original approval.

8           2.   Final Plat. A final plat may be rerecorded to:

- 9               a.   Revise or correct dimensions;
- 10              b.   Change street names;
- 11              c.   Add, delete or modify easements or private covenants;
- 12              d.   Change subdivision name; or
- 13              e.   Other minor modifications that are within the scope and intent of the original  
14              approval subject to approval of the Administrator.

15          3.   Procedures

16           a.   Preliminary Plan

- 17               i.   When revisions are proposed to an approved preliminary plan, the applicant  
18               shall submit a written request to the Administrator delineating the revisions  
19               and requesting authorization for administrative revision.
- 20               ii.   The Administrator shall notify the applicant whether the proposed revision  
21               qualifies for minor modification and the basis for the determination. If  
22               approved, the final plat may be submitted in accordance with the revisions.
- 23               iii.   The Administrator shall distribute copies of the revised plan to the  
24               appropriate agencies.

25           b.   Final Plat

- 26               i.   When minor revisions are proposed to an approved final plat, the applicant  
27               shall submit a written request to the Administrator delineating the revisions  
28               and requesting authorization for administrative revision.
- 29               ii.   If the plat has been recorded, the applicant shall submit the recorded plat  
30               with a statement describing the revisions made and title block for the  
31               Administrator signature, and date of signing.
- 32               iii.   If the ownership on the final plat to which the revision applies has changed  
33               since the previous recording, an owner's and notary's certificates shall be  
34               provided on the plat for each current owner affected by the change, or a  
35               letter signed by affected property owners agreeing to the revisions.
- 36               iv.   In addition to the letter and the revised final plat, the applicant shall submit  
37               the required fees to the Administrator for processing and rerecording the  
38               revised plat.
- 39               v.   The Administrator shall distribute copies of the recorded final plat to the  
40               appropriate agencies.

- 1 c. Major Modifications. Proposed modifications to an approved major preliminary  
2 plan or final plat not considered minor revisions shall be submitted to the  
3 Commission and processed as in the case of the original application.  
4

5 **08-3-11: Right-of-Way Vacation.** All applications for right-of-way vacation, including  
6 vacation of easements and divestiture of excess right-of-way, shall be subject to  
7 the following procedure.

8 **A. Pre-Application Conference.** An applicant requesting right-of-way vacation shall  
9 schedule a pre-application conference.

10 **B. Application Requirements**

- 11 1. An application for right-of-way vacation shall be submitted.  
12 2. The Administrator has established specific submittal requirements for right-of-way  
13 vacation applications (see Application for requirements).

14 **C. Administrator Action**

- 15 1. Upon submission of a completed application, the Administrator may schedule the  
16 application for review by the Commission. The Commission may make comments  
17 concerning the vacation and conditions of approval.  
18 2. The Administrator shall prepare a report that reviews the application in light of  
19 comments provided by the Commission, any plans to be considered and the general  
20 requirements of this Ordinance. The report and any related application materials shall  
21 be forwarded to the Commission.

22 **D. Commission Action**

- 23 1. Not less than 35 or more than 75 days after an application has been determined  
24 complete, the Commission shall hold a public hearing and give notice in accordance  
25 with this Ordinance.  
26 2. The Commission shall make a recommendation on the application after deliberation  
27 and prior to the close of the public hearing. The Commission may, prior to the close  
28 of the public hearing, take the matter under advisement or defer decision until the  
29 next regular meeting of the Board.

30 **E. Board Action**

- 31 1. Within 21 days following the Commission public hearing, the Administrator shall  
32 forward the completed request and any related materials, including the Commission  
33 recommendation, to the Board for final action.  
34 2. The Board shall hold a public hearing and give notice in accordance with this  
35 Ordinance. The Board shall by resolution approve, approve with conditions, or reject  
36 the application. The Board may defer action until the next regular meeting.

37 **F. Transfer of Title and Recording.** The applicant shall pay to the appropriate Real Estate  
38 Department the cost for the transfer of title and the recording of appropriate deeds prior  
39 to the recording of any deeds.

40 **G. Property Acquisition**

- 41 1. Property Acquired by Purchase. Where right-of-way was acquired by governmental  
42 purchase (city, county, state, or related agency or utility), the applicant shall pay the

1 fee value of the property less any standard reductions for size, limited use, existing  
2 easements, or similar impediments. Property acquired by governmental purchase  
3 shall be inclusive regardless of how long the time period has been since acquired,  
4 how many times the abutting property has changed ownership, and whether or not  
5 the purchased property has or has not been used as a street or alley in the interim.

- 6 2. Property Acquired by Dedication. If the right-of-way was acquired by dedication or if it  
7 cannot be determined whether the street or alley was acquired by governmental  
8 purchase, it shall be assumed that the street or alley was acquired by dedication and  
9 no fee value payment is required.

10  
11 **08-3-12: Right-of-Way Dedication.** These procedures shall not apply to street widening  
12 dedications, dedication of streets where a design hearing has been held, a  
13 subdivision or a planned development has been approved, or to dedication of  
14 streets where the appropriate Public Works Department will provide the  
15 improvements.

16 **A. Pre-Application Conference.** An applicant requesting right-of-way dedication shall  
17 schedule a pre-application conference.

18 **B. Application Requirements**

- 19 1. An application for right-of-way dedication shall be submitted.  
20 2. The Administrator has established specific submittal requirements for right-of-way  
21 dedication applications (see Application for requirements).

22 **C. Administrator Action**

- 23 1. Upon submission of a completed application, the Administrator may schedule the  
24 application for review by the Commission. The Commission may make comments  
25 concerning the dedication and conditions of approval.  
26 2. The Administrator shall prepare a report that reviews the application in light of  
27 comments provided by the Commission, any plans to be considered and the general  
28 requirements of this Ordinance. The report and any related application materials shall  
29 be forwarded to the Commission.

30 **D. Commission Action**

- 31 1. Not less than 35 or more than 75 days after an application has been determined  
32 complete, the Commission shall hold a public hearing and give notice in accordance  
33 with this Ordinance.  
34 2. The Commission shall make a recommendation on the application after deliberation  
35 and prior to the close of the public hearing. The Commission may, prior to the close  
36 of the public hearing, take the matter under advisement or defer decision until the  
37 next regular meeting of the Board.

38 **E. Board Action**

- 39 1. Within 21 days following the Commission public hearing, the Administrator shall  
40 forward the completed request and any related materials, including the Commission  
41 recommendation, to the Board for final action.



2. The Board shall hold a public hearing and give notice in accordance with this Ordinance. The Board shall approve, approve with conditions, or reject the right-of-way dedication. The Board may defer action until the next regular meeting.

**F.** Improvements. A standard subdivision contract shall be required for the improvement of the dedicated street in accordance with Article 5, Infrastructure and Public Improvements.

#### **08-3-13: Street Name Change**

##### **A.** Application Requirements

1. An application for a street name change shall be submitted.
2. The Administrator has established specific submittal requirements for street name change applications (see Application for requirements).

##### **B.** Administrator Action

1. Upon submission of a completed application, the Administrator may schedule the application for review by the Commission. The Commission may make comments concerning the street name change and conditions of approval.
2. The Administrator shall prepare a report that reviews the application in light of comments provided by the Commission, any plans to be considered and the general requirements of this Ordinance. The report and any related application materials shall be forwarded to the Commission.

##### **C.** Commission Action

1. Not less than 35 or more than 75 days after an application has been determined complete, the Commission shall hold a public hearing and give notice in accordance with this Ordinance.
2. The Commission shall make a decision on the application after deliberation and prior to the close of the public hearing. The Commission may, prior to the close of the public hearing, take the matter under advisement or defer decision until the next regular meeting of the Board at which time it shall approve, reject, or approve with conditions, unless held at the request of the applicant.

##### **D.** Board Action

1. Any appeal by the applicant or opponents to the appropriate Board shall be in writing to the Administrator within 14 days of the Commission's decision. The Administrator shall forward the Commission's decision on any appeal to the appropriate Board within 21 days of the close of the public hearing.
2. The Board shall hold a public hearing and give notice in accordance with this Ordinance. The Board shall by resolution approve, approve with conditions, or reject the application. The Board may defer action until the next regular meeting at which time it shall approve, reject, or approve with conditions, unless held at the request of the applicant.

#### **08-3-14: Plat of Record Revocation (Partial or Full Vacation)**

1 **A.** Pre-Application Conference. An applicant requesting a plat of record revocation shall  
2 schedule a pre-application conference.

3 **B.** Application Requirements

- 4 1. An application for a plat of record revocation shall be submitted.  
5 2. The Administrator has established specific submittal requirements for plat of record  
6 revocation applications (see Application for requirements).  
7 3. If streets have been improved, or partially improved, an application for right-of-way  
8 vacation in accordance with this Ordinance shall also be filled.

9 **C.** Processing and Procedures

- 10 1. The Administrator shall process the request in accordance with the procedures  
11 outlined in Major Preliminary Plan Review and Final Plat Review.  
12 2. The Commission shall approve, approve with conditions, or reject the plat of record  
13 revocation request.  
14 3. Any appeal by the applicant or opponents to the appropriate Board shall be in writing  
15 to the Administrator within 14 days of the Commission's decision. The Administrator  
16 shall forward the Commission's decision on any appeal to the appropriate Board  
17 within 21 days of the close of the public hearing.  
18 4. The Board shall hold a public hearing and give notice in accordance with this  
19 Ordinance. The Board shall by resolution approve, approve with conditions, or reject  
20 the application. The Board may defer action until the next regular meeting at which  
21 time it shall approve, reject, or approve with conditions, unless held at the request of  
22 the applicant.  
23 5. The Administrator shall record the revocation instrument in the Teton County Clerk's  
24 office after receipt of the certified resolution from the Board.  
25 6. Following recordation of the revocation instrument, the Administrator shall distribute a  
26 copy of the instrument to the Building Official, the appropriate Public Works Division,  
27 the County Fire Department, and other appropriate agencies.

28 **D.** Standard Improvement Contract. If there is an existing standard improvement contract  
29 and the revocation is approved, the contract and bond if any shall be released. All fees  
30 collected as part of the contract shall be nonrefundable.

31  
32 **08-3-15: Temporary Use Review.** Temporary outdoor uses should not be confused with  
33 permanent outdoor activities (for example, a car sales lot) that are only allowed in  
34 certain districts and require site plan approval, nor should they be confused with  
35 an outdoor display area (for example, a garden center that is part of a building  
36 supply store) that may be a part of a retail store and require site plan approval.

37 **A.** Applicability. Temporary uses occurring on property outside of the public right-of-way,  
38 including those operating for less than 30 days within a one-year time period, shall  
39 obtain a temporary use permit from the Building Official that outlines conditions of  
40 operations to protect the public, health, safety and welfare.

41 **B.** Application Requirements

- 42 1. An application for a temporary use permit shall be submitted.

2. The Building Official has established specific submittal requirements for temporary use permit applications (see Application for requirements).

**C. Building Official Action**

1. Once an application has been determined complete, the Building Official shall have up to 30 days to review the application.
2. Following completion of the technical reviews by staff, the Building Official shall approve the issuance of a temporary use permit subject to the requirements of this Ordinance.

**D. Revocation of a Temporary Use Permit.** A temporary use permit shall be revoked if the Building Official finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

**08-3-16: Sign Permit**

**A. Applicability**

1. Except for signs listed in **Chapter 13, Signs**, no sign shall be constructed, erected, relocated, expanded or altered in any manner until a sign permit has been issued by the Building Official.
2. The Building Official shall not be required to issue a sign permit unless such sign complies with the provisions of this Ordinance, and all other applicable ordinances and regulations of the County.

**B. Application Requirements**

1. An application for a sign permit shall be submitted.
2. The Building Official has established specific submittal requirements for a sign permit application (see Application for requirements).
3. A sign permit shall not require a certificate of occupancy.

**C. Building Official Action.** Following completion of the technical reviews by staff, the Building Official shall approve the sign permit, provided the sign meets all requirements of this Ordinance, and all other applicable electrical and building code requirements.

**D. Decals Required**

1. On-Premise Signs
  - a. A numbered identification decal shall accompany each permit issued for an on-premise sign. The decal shall be displayed on the sign to which it has been assigned. The applicant shall attach the decal in a conspicuous location which is accessible to the Building Official.
  - b. When the Building Official determines that a numbered identification decal has not been posted on a sign, the Building Official shall notify the owner of the sign in writing by certified mail that unless the numbered identification decal is posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.
2. Off-Premise Signs

- a. Two identification decals shall accompany each permit issued for an off-premise sign. One decal shall be placed on the sign face displaying the name of the current owner. The remaining decal shall be placed at eye level on the pole displaying the meter box address of the sign. All off-premise signs shall comply prior to final inspections.
- b. When the Building Official determines that the identification decals have not been posted on a sign, the Building Official shall notify the owner of the sign in writing by certified mail that unless the identification decals are posted on the sign within 30 days after the date such notice is mailed, the sign shall be considered illegal and the Building Official shall initiate the necessary proceedings to secure removal of the sign.
- E. Temporary Signs.** A temporary sign permit shall be issued in accordance with **Chapter 13, Signs**.
- F. Revocation of a Sign Permit.** The sign permit shall be revoked if a sign is found to be in violation of this Ordinance, or other applicable electrical and building code requirements.
- 08-3-17: Commercial Applications.** The Subdivision permit procedures of **08-3-10** apply to commercial applications with the following variations:
- A.** The Applicant shall schedule a pre-application conference with the Planning and Building Department. If the Planning Department determines that the application is allowed under the Comprehensive Plan, can meet the requirements of the Development Code, and is or could be permitted in the affected zone, the Applicant shall be so notified and given the appropriate application materials, including a request for zone change if applicable. The Applicant may file a request for sketch plan review with the Administrator if it is at least 14 business days before the meeting at which the review is requested.
- B.** Commercial applications are not required to complete the final plat procedures of **08-3-10**, but are required to complete an Improvement Agreement, as described in **08-10-3**. No commercial permit shall be issued until the required improvement agreement has been accepted and signed by the Board.
- 08-3-18: Conditional Use Permits.** Where allowed in this Ordinance, a conditional use permit may be requested for certain proposed uses that require a greater degree of regulatory analysis by the Commission or Board. The Applicant has a greater burden to demonstrate compliance with all requirements and conditions imposed on the proposed use. All possible conditional uses are incorporated in this Ordinance; any proposed conditional use not included in this Ordinance may instead request a Special Use Permit.
- A.** A conditional use permit may be granted to an Applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the Plan.

- 1 **B.** Prior to granting a conditional use permit, studies may be required of the social,  
2 economic, fiscal, and environmental effects of the proposed conditional use.
- 3 **C.** Upon the granting of a conditional use permit, conditions may be attached to the permit  
4 including, but not limited to:
- 5 1. Minimizing adverse impact on other development;  
6 2. Controlling the sequence and timing of development;  
7 3. Controlling the duration of the proposed use;  
8 4. Assuring that the development is maintained properly;  
9 5. Designating the exact location and nature of the proposed use;  
10 6. Requiring the provision for on-site or off-site public facilities or services;  
11 7. Requiring more restrictive standards than those generally required in this Ordinance;  
12 8. Requiring mitigation of effects of the proposed application upon service delivery by  
13 any political subdivision, including school districts, providing services within the  
14 planning jurisdiction.
- 15 **D.** All of the following findings must be met in order to grant a conditional use permit:
- 16 1. The proposed use is not detrimental to the public health, safety, or welfare;  
17 2. The proposed use shall not create undue adverse impacts on surrounding properties;  
18 3. The proposed use is consistent with the applicable comprehensive plan;  
19 4. The proposed use complies with the purpose statement of the applicable base district  
20 and with the specific use standards as set forth;  
21 5. The proposed use complies with all applicable County ordinances;  
22 6. The proposed use complies with all applicable state and federal regulations;  
23 7. The proposed use and facilities shall not impede the normal development of  
24 surrounding property; and  
25 8. Adequate public and private facilities such as utilities, landscaping, parking spaces,  
26 and traffic circulation measures are, or shall be, provided for the proposed use.
- 27 **E.** A conditional use permit shall not be considered as establishing a binding precedent to  
28 grant other conditional use permits. A conditional use permit is not transferable from one  
29 parcel of land to another.
- 30 **F.** Denial of a conditional use permit or approval of a conditional use permit with conditions  
31 unacceptable to the landowner may be subject to the regulatory taking analysis provided  
32 for by section 67-8003, Idaho Code, consistent with requirements established thereby.
- 33 **G.** Conditional Use Permits follow the procedures of a Subdivision permit for Commercial  
34 Applications as outlined in this Chapter.

35  
36 **08-3-19: Certificate of Occupancy/Compliance**

- 1 **A.** Purpose. Certificates of occupancy are required to insure that completed structures and  
2 the development of property of which such structures are a part comply with the  
3 provisions of this Ordinance, any site plans or special approvals, and the building code.
- 4 **B.** Authority. The Building Official shall have the authority to issue certificates of occupancy  
5 in accordance with the provisions this Ordinance.
- 6 **C.** Certificate of Occupancy Required
- 7 1. It shall be unlawful for an owner or any other person to use or permit the use of any  
8 building or premises or part thereof, hereafter created, changed, converted, or  
9 enlarged, wholly or partly, until a certificate of occupancy has been issued by the  
10 Building Official; provided however, such certificate of occupancy shall not be  
11 required for a person to use an existing building or premises, or part thereof, if:
- 12 a. The proposed use does not require a change in the physical layout of the interior  
13 or exterior of the building or structure or its support systems which would require  
14 the issuance of a permit from the Building Official under the technical codes; and
- 15 b. The proposed use is:
- 16 i. A permitted use of this Ordinance for the zoning district in which the building  
17 is located, and
- 18 ii. The same use and occupancy classification under Chapter 3 of the building  
19 code as the most recent such building code use and occupancy classification  
20 of the premises.
- 21 2. The certificate of occupancy shall show that the building or premises, and their  
22 proposed uses, are in conformity with the provisions of this Ordinance. Single-family  
23 detached, single-family attached, townhouse, and large homes housing types shall  
24 require only a final inspection and the certificate of occupancy is optional.
- 25 **D.** Application Requirements
- 26 1. An application for a certificate of occupancy shall be submitted.
- 27 2. The Building Official has established specific submittal requirements for a certificate  
28 of occupancy application (see Application for requirements).
- 29 **E.** Building Official Action
- 30 1. The Building Official shall inspect the property which is the subject of an application  
31 within seven calendar days after a completed application has been filed and shall  
32 issue a certificate of occupancy if the property complies with the provisions of this  
33 Ordinance, any site plans or special approvals, and the technical code. While not  
34 required for single-family detached, single-family attached, townhouse, and large  
35 homes housing types; a certificate of occupancy may be issued upon request without  
36 a separate application or fee.
- 37 2. If the property does not comply, the Building Official shall deny the application in a  
38 written notice mailed to the applicant within five days after the inspection of the  
39 property, specifying the grounds for disapproval.
- 40 **F.** Temporary Certificates of Occupancy. The Building Official may issue a temporary  
41 certificate of occupancy if a structure is not yet completed but is determined to be safe  
42 and habitable and the premises otherwise comply with the provisions of this Ordinance  
43 and the building code.

**08-3-20: Written Interpretations**

**A.** Applicability. When uncertainty exists, the Administrator, after consultation with the Building Official and the County Attorney, shall be authorized to make all interpretations concerning the provisions of this Ordinance.

**B.** Application Requirements

1. A request for a written interpretation shall be submitted .
2. The Administrator established specific submittal requirements for a written interpretation request (see Application for requirements).

**C.** Administrator Action

1. The Administrator shall review and evaluate the request in light of the text of this Ordinance, the Zoning Map, any plans to be considered, and any other relevant information;
2. Following completion of the technical reviews by staff, the Administrator shall render an opinion.
3. The interpretation shall be provided to the applicant in writing.

**D.** Official Record. The Administrator shall maintain an official record of all interpretations and shall provide a copy of all interpretations to the Building Official. The record of interpretations shall be available for public inspection during normal business hours.

**08-3-21: Variances**

**A.** Applicability

1. The Commission may vary certain requirements this Ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the certain provisions of this Ordinance, will, in an individual case, result in practical difficulty or unnecessary hardship. In granting a variance, the Commission shall ensure that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
2. The Commission shall have authority to vary the standards of this Ordinance, except for those associated with subdivision.

**B.** Application Requirements

1. A request for a variance shall be submitted.
2. The Administrator has established specific submittal requirements for a request for a variance (see Application for requirements).

**C.** Burden of Proof. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Commission to reach the conclusions set forth below as well as the burden of persuasion on those issues.

**D.** Administrator Action. The Administrator shall provide the Commission with a copy of the application and all relevant materials pertaining to the request.

**E.** Commission Action

1. Not less than 21 or more than 54 days after an application has been determined complete, the Commission shall hold a public hearing and give notice in accordance with this Ordinance.
2. Prior to the adjournment of the meeting at which such public hearing is concluded, the Commission shall act on the requested variance, or take the matter under advisement, or defer decision until the next regular meeting of the Commission. Notice of the Commission's decision, along with its written findings shall be mailed to the applicant.

**F. Findings of Fact.** The Commission **MUST** make specific written findings of fact on each variance request. In granting any variance, the Commission shall make the following findings:

1. The need for a variance results from physical limitations unique to the lot or parcel on which the variance is requested;
2. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;
3. The alleged hardship has not been created by action of the owner or occupants;
4. Approval of the variance will not create a nuisance, result in potential harm to adjoining properties or the neighborhood, or have an adverse effect on the implementation of the comprehensive plan;
5. The variance approved is the minimum relief from the requirements of this Ordinance necessary to permit a reasonable conforming use.
6. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
7. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
8. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
9. The variance is not a request to permit a use which is not otherwise a permitted use in a particular zoning district.
10. The variance is not granted simply because by the granting of a variance, the property could be utilized more profitably or that the applicant would save money.

**G. Conditions on Variance**

1. The Commission may set forth conditions in the written resolution granting a variance. Such conditions may relate to screening, landscaping, location and other conditions necessary to preserve the character of the area and protect property in the near vicinity. A violation of such conditions shall be a violation of this Ordinance.
2. The Building Official shall determine when the applicant has complied with the conditions set forth in the resolution granting the variation.

**H. Effect of Granting a Variance.** The grant of a variance shall not allow the development of the property for which a variance was granted but shall merely authorize the filing of



1 applications for required permits and approvals, including, but not limited to, building  
2 permits and certificates of occupancy.

3  
4 **08-3-22: Appeals.** An appeal by any person aggrieved by a final order, interpretation or  
5 decision with regards to the provisions of this Ordinance may be taken as set  
6 forth below.

7 **A. Administrative Action**

- 8 1. Applicability. An appeal by any person aggrieved by a final order, interpretation or  
9 decision of the Administrator, Building Official or other administrator in regards to the  
10 provisions of this Ordinance may be taken to the Commission. However, an appeal of  
11 a minor preliminary plan may only be taken to the Commission.
- 12 2. Application Requirements
  - 13 a. An appeal of any administrative decision shall be taken by filing a written notice  
14 of appeal specifying the grounds for the appeal with the Administrator and the  
15 appropriate body hearing the appeal.
    - 16 i. The appeal must include all allegations Appellant wishes considered by the  
17 Commission with each allegation addressing the merits of the proposed  
18 application as measured by its compliance or lack of compliance with this  
19 Ordinance and, where applicable, the Comprehensive Plan.
  - 20 b. An application for an administrative appeal shall be submitted.
  - 21 c. A notice of appeal of an administrative decision shall be considered filed when a  
22 complete application is delivered to the Administrator. The date and time of filing  
23 shall be entered on the notice.

24 **B. Commission Action**

- 25 1. Right to Appeal. Any affected party may appeal a decision of the Administrator,  
26 Building Official or other administrator, on said application, to the Commission.
- 27 2. The Appellant shall submit a properly completed notice of appeal, the required  
28 supporting materials, and the required appeal fee with the Administrator. If a notice of  
29 appeal alleges that the decision of the Administrator constitutes a taking of property  
30 without just compensation, the Administrator shall direct the appeal to the County  
31 Attorney.
  - 32 a. The County Attorney shall review the allegation that a decision of the  
33 Administrator constitutes a taking of property without just compensation. This  
34 review shall be based on the Idaho Attorney General's checklist and other  
35 information the County Attorney deems relevant, including the property rights  
36 policy of the Plan.
- 37 3. The Administrator shall make a written report of the case to the Commission.
- 38 4. The Commission may conclude that the Administrator made his/her decision fairly  
39 and reasonably, and then may, in its sole discretion and without hearing or notice,  
40 refuse to accept jurisdiction of such appeal, in which case the decision of the  
41 Administrator shall be final and any appeal fees shall be refunded, which action shall  
42 NOT prevent Appellant from appealing such a decision to the Board, OR

- 1 5. Alternatively, the Commission may provide that the appeal shall be heard at a public  
2 or administrative hearing before the Commission, at such time as the Commission  
3 may determine.
- 4 a. If the Commission requires a public hearing on the appeal, the Administrator  
5 shall place the appeal hearing on the agenda of the next regular Commission  
6 meeting for which the County Attorney's review (if relevant) and notice  
7 requirements can be met, and at which time will permit its proper consideration.  
8 Notice requirements for an appeal shall be the same as for the original permit  
9 application.
- 10 b. If the Commission, in its sole discretion, reasonably concludes that further public  
11 testimony will not be beneficial, it may elect for an administrative hearing;  
12 otherwise, a public hearing shall be conducted. A public hearing shall follow the  
13 procedures of this Ordinance. An administrative hearing shall follow the  
14 procedures of this Ordinance except for **08-3-23J**, which shall not be required.
- 15 6. The Commission shall conduct a hearing on the appeal. No appeal shall be heard if  
16 the Appellant or a representative and, when the Appellant is not the original  
17 Applicant, the original Applicant or a representative is not present.
- 18 7. The Commission shall determine whether the decision being appealed is in  
19 compliance with this Ordinance and, where applicable, the Comprehensive Plan; and  
20 affirm, modify, remand, or reverse that decision accordingly. Where a taking of  
21 property without just compensation is alleged, the Commission shall also consider  
22 the County Attorney's review of the decision and require the completion of a  
23 regulatory takings analysis as per state code.
- 24 a. In the event the Commission elects to remand a decision back to the  
25 Administrator, it may be a "full remand," ordering an entirely new hearing; it may  
26 be "remand with instructions," specifying certain areas needing further  
27 exploration and deliberation in a new hearing; or it may be a "partial remand,"  
28 where the new hearing scope is limited only to topics not affirmed by the  
29 Commission.
- 30 8. Effect of Appeal
- 31 a. An appeal shall stay all proceedings in furtherance of the action appealed, unless  
32 the administrative official from who the appeal is taken certifies to the  
33 Commission or the Commission that, because of facts stated in the certificate, a  
34 stay would, in their opinion, cause imminent peril to life or property or that  
35 because the violation is transitory in nature a stay would seriously interfere with  
36 the effective enforcement of this Ordinance. In that case, proceedings shall not  
37 be stayed except by order of the Commission, Board, or a court, issued on  
38 application of the party seeking the stay, for due cause shown, after notice to the  
39 administrative official.
- 40 b. An appeal shall not stop action lawfully approved (including construction activities  
41 authorized by a building permit); only actions presumed in violation of this  
42 Ordinance are stayed.

43 **C. Board Action**

- 44 1. Right to Appeal. Any affected party may appeal a decision of the Commission, on  
45 said application, to the Board (except where the Commission hears an appeal of the  
46 Administrator).

2. Submission of Appeal. Appeals shall be submitted in writing to the chief administrative officer of the Board, accompanied by the required appeal fee. A copy of the appeal shall be sent to the Administrator.
3. Deadline. Appeals shall be submitted within ten days of receiving official notification.
4. Required information.
  - a. The request for an appeal shall indicate the name and case number of the application, the date of the Commission action, the specific decision and/or conditions which are being appealed, and the name, address and phone number of the appellant.
  - b. The appeal must include all allegations Appellant wishes considered by the Board, with each allegation addressing the merits of the proposed application as measured by its compliance or lack of compliance with this Ordinance and, where applicable, the Comprehensive Plan.
5. Board Action
  - a. If a notice of appeal alleges that the decision of the Administrator constitutes a taking of property without just compensation, the chief administrative officer shall direct the appeal to the County Attorney.
    - i. The County Attorney shall review the allegation that a decision of the Commission constitutes a taking of property without just compensation. This review shall be based on the Idaho Attorney General's checklist and other information the County Attorney deems relevant, including the property rights policy of the plan.
  - b. The chief administrative officer, with the assistance of the Administrator, shall make a written report of the case to the Board.
  - c. The Board may conclude that the Commission made its decision fairly and reasonably, and then may, in its sole discretion and without hearing or notice, refuse to accept jurisdiction of such appeal, in which case the decision of the Commission shall be final and any appeal fees shall be refunded, which action shall NOT prevent Appellant from seeking judicial review, OR
  - d. Alternatively, the Board may provide that the appeal shall be heard at a public or administrative hearing before the Board, at such time as the Board may determine.
    - i. If the Board requires a public hearing on the appeal, the chief administrative officer shall place the appeal hearing on the agenda of the next regular Board meeting for which the County Attorney's review (if relevant) and notice requirements can be met, and at which time will permit its proper consideration. Notice requirements for an appeal shall be the same as for the original permit application.
    - ii. If the Board, in its sole discretion, reasonably concludes that further public testimony will not be beneficial, it may elect for an administrative hearing; otherwise, a public hearing shall be conducted. A public hearing shall follow the procedures of this Ordinance. An administrative hearing shall follow the procedures of this Ordinance except for 08-3-23J, which shall not be required.

- e. The Board shall conduct a hearing on the appeal. No appeal shall be heard if the Appellant or a representative and, when the Appellant is not the original Applicant, the original Applicant or a representative is not present.
  - f. The Board shall determine whether the decision being appealed is in compliance with this Ordinance and, where applicable, the Comprehensive Plan; and affirm, modify, remand, or reverse that decision accordingly. Where a taking of property without just compensation is alleged, the Board shall also consider the County Attorney's review of the decision and require the completion of a regulatory takings analysis as per state code.
  - g. In the event the Board elects to remand a decision back to the Commission, it may be a "full remand," ordering an entirely new hearing; it may be "remand with instructions," specifying certain areas needing further exploration and deliberation in a new hearing; or it may be a "partial remand," where the new hearing scope is limited only to topics not affirmed by the Board.
6. Revised Plan. A revised plan may be required by the Board following a decision on the appeal.

**D. Judicial Review Action.**

1. An Applicant, Appellant, or Appellee denied a permit or aggrieved by a decision may, within twenty-eight (28) calendar days after all remedies have been exhausted under this Ordinance, seek judicial review under the procedures provided by Idaho Code Title 67, Chapter 52.

**08-3-23: Hearing Procedures.** This procedure shall be followed in all hearings before the Commission or Board.

- A.** The presiding officer, who may be any member of the Commission, Board, or a hearing officer, shall announce the scope, purpose and subject of the hearing; shall request that all communication devices be silenced; and shall instruct all present of the procedures, guidelines, and decorum observed in the hearing.
- B.** The presiding officer may choose to appoint a Sergeant-at-Arms, who shall be charged with maintaining and enforcing order during the course of the hearing.
- C.** The presiding officer shall determine whether proper notice of the hearing has been provided, as required by this Ordinance. If proper notice has not been provided, the hearing shall be terminated and re-scheduled.
- D.** The presiding officer shall ask if any Commission/Board member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing and all further deliberations.
- E.** The presiding officer shall ask whether any Commission/Board member has viewed the subject property outside of any official site visit; and whether any member has had any ex parte communication with the Applicant (or Appellant), any representative of the Applicant (or Appellant), or any member of the public about the application under consideration. The approximate date of any independent site visit by any member and the names of all present during the visit shall be disclosed. All ex parte communication must be disclosed by identifying the person(s) involved, their employment or affiliation,

1 and a general description of the communication. Fellow Commission/Board members  
2 may determine that disclosure isn't sufficient and may excuse, by motion passed, any  
3 member who declares such ex parte communication from participation in the hearing  
4 and all further deliberations.

5 **F.** The presiding officer shall request that the Administrator briefly introduce the application  
6 to the Commission/Board (this brief introduction should not be confused with the  
7 Administrator's report, which occurs later). As part of this introduction, the Administrator  
8 shall introduce into the hearing record the Comprehensive Plan, this Ordinance, all  
9 application materials, all timely received written submissions, and the Staff Report. The  
10 presiding officer shall direct any general questions from Commission/Board members to  
11 the Administrator; questions asked at this time shall be solely for and limited to the  
12 purpose of clarifying the location and nature of the proposed application, but not the  
13 substance.

14 **G.** The presiding officer shall remind those present that all statements given must address  
15 the merits of the proposed application as measured by its compliance or lack of  
16 compliance with this Ordinance, and that those statements that do not address the  
17 merits, or that are derogatory, defamatory, or slanderous, shall not be permitted. After  
18 one (1) warning from the presiding officer or sergeant-at-arms, any person not  
19 conforming to the hearing rules shall be prohibited from speaking on the record. Refusal  
20 to comply with this prohibition shall be grounds to remove that person from the hearing  
21 chambers.

- 22 1. In the case of an amendment to the Ordinance, including any proposed zoning  
23 change or special use permit, all statements shall also address the merits of the  
24 proposed application as measured by its compliance or lack of compliance with the  
25 Comprehensive Plan.

26 **H.** The presiding officer shall ask for a time-limited statement from the Applicant/Appellant  
27 or his or her representative. Commission/Board members may ask questions following  
28 this statement. All questions and replies shall be directed through the presiding officer.

- 29 1. In the case of an appeal of an approved permit, the presiding officer shall then ask  
30 for a time-limited statement from the Appellee (the original Applicant) or his or her  
31 representative.

32 **I.** Following Applicant/Appellant and any Appellee statement, the presiding officer shall ask  
33 the Administrator to present the Staff Report on the proposal being considered. The  
34 presiding officer shall direct any questions about the proposal from Commission/Board  
35 members to the Administrator.

36 **J.** If a public hearing, following the Administrator's report, the presiding officer shall ask for  
37 time-limited statements from the public. The presiding officer shall call on the public to  
38 make time-limited statements in an orderly fashion. Persons giving statements shall  
39 begin by stating their name and mailing address. Commission/Board members may ask  
40 questions following any statement. All questions and replies shall be directed through  
41 the presiding officer.

- 42 1. Attempts by any member of the public to introduce additional written evidence of any  
43 type beyond that orally presented for all to hear may be refused on the grounds of  
44 possible due process violation – other parties were not afforded the right to timely

- 1 review and rebut such evidence. However, under the guidelines of M, below, the  
2 Commission/Board may accept and consider such evidence.
- 3 **K.** When all statements have been given, the presiding officer shall ask the  
4 Applicant/Appellant if they wish to speak in rebuttal to testimony given, which shall  
5 include any pre-hearing submissions. Neither new statements nor the introduction of  
6 new evidence shall be permitted at this time. Questions from Commission/Board  
7 members may follow each rebuttal or clarification.
- 8 1. In the case of an appeal of an approved permit, the presiding officer shall first ask the  
9 Appellee (the original Applicant) if they wish to speak in rebuttal to testimony given,  
10 including any pre-hearing submissions. The Appellant shall have the privilege of  
11 providing the final statement.
- 12 **L.** The presiding officer shall close the public statements portion of the hearing and call for  
13 discussion by the Commission/Board, resulting in action, as follows:
- 14 1. A decision may, by passed motion, **be then rendered** on the merits of the application  
15 or matter before the Commission or Board; or
- 16 2. Any application or matter under consideration by the Commission or Board may, by  
17 passed motion, **be tabled to a date uncertain** but within the decision timeframe  
18 allowed in this Ordinance, at which time the matter will be taken up again for action or  
19 decision; or
- 20 3. Any application or matter under consideration by the Commission or Board may, by  
21 passed motion, **be continued to a date certain** and within the decision timeframe  
22 allowed in this Ordinance, at which time the matter will be taken up again for action or  
23 decision.
- 24 **M.** At the conclusion of the hearing, the Commission/Board shall close the record unless the  
25 Commission/Board determines, in its discretion, additional evidence is required, in which  
26 event, it may proceed as follows:
- 27 1. Close the record with the exception of allowing the submission of specifically  
28 requested information, or
- 29 2. Leave the entire record open for the submission of additional evidence to a date  
30 certain at which time the record will automatically be closed without further action of  
31 the Commission/Board, or
- 32 3. Continue the hearing to a date certain for the purpose of receiving additional  
33 evidence and conducting such further proceedings as may, in its discretion, be  
34 advisable.
- 35 4. In the event that new material evidence is introduced after the hearing is closed, the  
36 presiding officer shall again open the hearing for the explicit limited purpose of  
37 addressing the new evidence and, if accepted, the Applicant/Appellant and any  
38 Appellee shall again be afforded a right to rebut any new testimony or evidence.  
39 However, such acceptance might cause the proposal to substantively altered, in  
40 which case, the application shall be heard anew, following the process in this  
41 Ordinance.
- 42 **N.** Written statements, plans, drawings, photographs, or other materials offered in support  
43 of statements at a hearing are part of that hearing's record and shall be retained by the  
44 County. Supporting materials shall be left with the Administrator after each statement is  
45 made for inclusion in the public record.

1. All supporting submissions shall also be provided in a common digital format for inclusion in the electronic record.

**O. Additional Hearing Procedures.** These procedures may be used without prior notice to assist in the conduct of large, complex, or controversial hearings.

1. The Commission/Board may impose time limits on the statements given in order to assure completion of its agenda. Time limits may significantly abbreviate any written submission accepted into the record.
2. The Commission/Board may require persons who wish to make a statement to register their intention to do so with the Administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.
3. The Commission/Board may, in its sole discretion, issue and require adherence to pre-hearing procedures which shall govern the schedule, submission deadlines and disclosure requirements in advance of the hearing.

## **CHAPTER 4      Enforcement**

**08-4-1:**      What this Chapter Does. **[RESERVED]**

**08-4-2:**      In General. Any person, firm or corporation violating any of the provisions of this development code shall, upon conviction thereof, be fined the fee in the Administrator's adopted schedule of fees. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this development code, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

**08-4-3:**      Failure to Obtain a Permit. Whenever the Administrator becomes aware of an activity for which a permit is required by this Ordinance, but for which a permit has not been approved, the Administrator shall notify the occupant (and owner, if they are not the same) to immediately cease all unpermitted activity. Notice shall be given by posting on the site and/or first class mail. If the unpermitted activity does not cease, the Administrator shall ask the prosecuting attorney to take immediate action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this Ordinance.

**08-4-4:**      Public Endangerment Remedy. The enforcement procedures provided here may be accelerated where the Administrator finds that public health and safety could be endangered by a violation. In such cases, the Administrator shall ask the prosecuting attorney to take immediate action to end the danger to public health and safety. The prosecuting attorney may institute a civil action for an immediate injunction to halt any discharge, emission or other activity in violation of provisions of this Ordinance or rules, permits and orders promulgated thereunder. In such action the court may issue an ex parte restraining order.

**08-4-5:** Complaints. Any individual wishing to lodge a complaint of violation or non-conformance must do so by completing an official complaint report, listing with specificity the alleged violation or non-conformance, documenting the times and places that such violation or non-conformance allegedly took place, providing any evidence supporting the allegations, and agree to act as a witness in all enforcement actions authorized herein. Anonymous complaints are not permitted.

**08-4-6:** Subdivision

**A. Violations**

1. No owner, or agent of the owner, of any tract of land in a proposed subdivision for which a preliminary plan has been filed shall transfer or sell any such lot or portion of the proposed subdivision before a final plat of such subdivision has been approved by the appropriate governing body in accordance with the provisions of these regulations, and recorded in the office of the Teton County Clerk.
2. The subdivision of any tract of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
3. No street number or building permit shall be issued for the erection of any building or structure located on a lot or tract of land which violates the provisions of these regulations.

**B. Penalties.** Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the County shall include, but not be limited to the following:

1. Issuing a stop-work order for any and all work on any tract or lot;
2. Seeking an injunction or other order of restraint or abatement that requires the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the County under this development code;
4. Seeking in court the imposition of any penalties that can be imposed by such court under this development code;

**C. Remedies.**

1. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premise; and
2. The appropriate division of public works may request that the appropriate attorney's office initiate legal action to require the bonding company to complete an approved subdivision recorded under the bonding procedure that is in violation of the standard improvement contract or other provisions of these regulations.

**08-4-7:** Signs

**A. Violations.** Any of the following shall be a violation of this development code and shall be subject to the enforcement remedies and penalties as provided below:



1. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located.
2. To install, create, or erect, any sign requiring a permit without such permit.
3. To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the tract or lot on which sign is located.
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this development code, or for which the sign permit has lapsed.
5. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Chapter.

**B. Penalties.** Any violation or attempted violation of this development code or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the County shall include, but not be limited to the following:

1. Issuing a stop-work order for any and all work on any signs on the same tract or lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the County under this development code;
4. Seeking in court the imposition of any penalties that can be imposed by such court under this development code; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of this development code and the building code for such circumstances.

**08-4-8: Cumulative Remedies.** All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

## **CHAPTER 5**      Zones, Districts and Boundaries

**08-5-1:** What this Chapter Does. **[RESERVED]**

**08-5-2:** Zoning Maps. The boundaries of the zoning districts shall be determined and defined by the adopted zoning maps (adopted and incorporated herein by reference) which show the boundaries of both the base zoning districts and the overlay areas. The originals of such maps shall be housed and available to the public at the offices of the Teton County Planning and Building department. Amendments and maintenance of this title, official maps and comprehensive plan shall be done in accordance with the requirements set forth in I.C. 67-6500 et seq.

**08-5-3:** Interpretation of Map Boundaries. Whenever any uncertainty exists as to the boundary of any zoning district shown on the zoning maps, the following shall apply:

- 1 **A.** Where any zoning district boundary line indicated as following a street, road, or public  
2 way, it shall be construed as following the centerline thereof.
- 3 **B.** Where a zoning district boundary line is indicated as approximately following a lot or  
4 property line, such line shall be construed as being on the property line.
- 5 **C.** Where a zoning district boundary line does not follow a street, road, public way, lot or  
6 property line or obvious natural boundary, the location of such boundary shall be located  
7 on the zoning map with distances indicated.

8 **08-5-4:** Interpretation of Zoning in Split Zoning Situations.

- 9 **A.** Non-PUD or Non-Subdivision Applications: When the boundaries of the district as shown  
10 on the "Official Zoning Districts of Teton County" map are drawn so that a single property  
11 has more than one zoning district designation, control of use or control of zoning on the  
12 property shall follow the district requirements for each zoning district as drawn on the  
13 property;
- 14 **B.** PUD and Subdivision Applications: When boundaries of the districts as shown on the  
15 official zoning map are drawn so that a proposed PUD or subdivision has more than one  
16 zoning district designation, the number of lots per acre shall be calculated by the  
17 percentage split among the zoning districts by area. Lot numbers shall be rounded down  
18 to the nearest whole number.

19 1. Insert image

20 2. Insert chart

21 **08-5-5:** Consistency with Comprehensive Plan. The classification of land within zoning  
22 districts shall be done in a manner consistent with the land uses provided in the  
23 comprehensive plan. The comprehensive plan is a guide and should be adhered  
24 to in accordance with definition in **section 8-2-1** of this title and Idaho Code  
25 section 67-6500 et seq. Deviations from the comprehensive plan are allowable  
26 when justified for public safety, health, and welfare reasons.

27 **08-5-6:** Base Zoning Districts. For the purpose of promoting the health, safety and  
28 welfare of Teton County, all land in the county shall be designated within one of  
29 the following base zoning districts and where appropriate one of the overlay  
30 areas listed below:

31 **A.** Rural Agriculture (RA)

32 **B.** Residential (R-1) [RESERVED for Code Studio]

33 **C.** Residential, mobile homes (R-2) [RESERVED for Code Studio]

34 **D.** Retail Commercial, (C-1) [RESERVED for Code Studio]

35 **E.** Retail - Wholesale Commercial, (C-2) [RESERVED for Code Studio]

36 **F.** Wholesale Commercial - Light Manufacturing, (C-3) [RESERVED for Code Studio]

37 **G.** Manufacturing - Industrial (M-I) [RESERVED for Code Studio]

38 **H.** A change of land use may require a change in base zoning districts designation, which  
39 may be requested by the landowner. Unless otherwise provided for in this title, no  
40 building or structure shall be built, altered, or used unless it is located on a legally

1 designated "lot" as defined in this title and is in conformance with the base zoning district  
2 in which it is located.

3 **08-5-7: Zoning District Descriptions**

4 **A. RA – Rural Agriculture Zone**

- 5 1. Purpose. To promote agriculture and rural residential uses while simultaneously  
6 respecting important watersheds and wildlife habitat values.
- 7 2. Applicability. The Rural Agriculture designation is to be applied to land which includes  
8 prime farmland or grazing land, and which has not been divided into small  
9 agriculturally unusable parcels. The Rural Agriculture Zone is not intended to  
10 accommodate non-agricultural development. Factors to be considered in designating  
11 land for Rural Agriculture areas should include, but not be necessarily limited to the  
12 amount of prime farmland in the area, existing lot sizes and land uses in the area,  
13 and the character of surrounding land uses.
- 14 3. Objectives.
  - 15 a. Promote the public health, safety, and welfare of the people of Teton County by  
16 encouraging the protection of important agricultural and open lands; to ensure  
17 the important environmental features of the state and Teton County are protected  
18 and enhanced; and to protect fish, wildlife, and recreation resources, consistent  
19 with the purposes of the Local Land Use Planning Act (Idaho Code section 67-  
20 6501 et seq., as amended).
  - 21 b. To conserve and enhance the cultural significance and character of open rural  
22 and scenic non-urban landscapes; to provide for agricultural and rangeland uses  
23 consistent with the conservation of the environmental and landscape values of  
24 the area; to allow the development of agricultural industries and agriculture  
25 service establishments; and to protect agricultural and rangeland uses and  
26 wildlife management areas from undue adverse impacts from adjacent  
27 development.
  - 28 c. Implement the Teton County comprehensive plan goals to protect important  
29 agricultural land and to maximize opportunities for agricultural activities and an  
30 agricultural lifestyle in areas designated as Rural on the Comprehensive Plan  
31 Preferred Land Use Map.
  - 32 d. To protect and enhance the natural environment and natural processes for their  
33 historic, archaeological and scientific interest, landscape, faunal habitat and  
34 cultural values; to protect and enhance natural resources and biodiversity in the  
35 area.
  - 36 e. To encourage seasonal and limited recreational and very low density residential  
37 development and use of land which is consistent with sustainable land  
38 management and land capability practices, and which takes into account the  
39 conservation values and environmental sensitivity of the locality.
  - 40 f. Permit the appropriate development of schools, churches, and other public and  
41 quasi-public uses in rural areas consistent with the applicable comprehensive  
42 plan; and direct higher density development to Residential districts.
- 43 4. Open Space. At least **fifty percent (50%)** of the gross acreage of the property shall be  
44 established as open space. The proposed and permitted uses of the open space  
45 areas shall be identified by the Applicant in an open space management plan.

- 1           5. Permitted Uses.
- 2           a. Residential Uses
- 3           i. Single-Family Detached
- 4           ii. Single-Family Attached
- 5           iii. Manufactured, Modular
- 6           iv. Mobile Home
- 7           b. Agriculture, including the keeping and raising of livestock and fowl provided they
- 8           are fenced and their feed and waste do not negatively impact environmentally
- 9           sensitive lands.
- 10          6. Permitted Accessory Uses and Structures.
- 11          a. Private garages, barns and storage buildings.
- 12          b. Accessory Dwelling Unit
- 13          c. Home Occupation / Residential Business
- 14          d. Off-street Parking
- 15          e. Solar (photovoltaic) Panels
- 16          f. Wind Turbines, Small Scale
- 17          g. Other Integrated Renewable Energy Systems
- 18          h. Recreational Facility
- 19          i. Other appropriate uses and structures accessory to a principal residential or
- 20          agricultural use.
- 21          7. Conditional Uses.
- 22          a. Manufactured home park.
- 23          b. Mining and quarrying.
- 24          c. Government facilities.
- 25          d. Churches.
- 26          e. Duplexes.
- 27          f. Private Utilities.
- 28          8. Permitted Density. In the Rural Agriculture Zone, preservation of the rural landscape
- 29          is a primary focus. Multiple strategies are available to accomplish that goal while still
- 30          allowing the conversion of land into subdivided residences, such as sustainable
- 31          development practices, designed clustering, and transferable development rights
- 32          (TDRs). The density available on a particular parcel is a function of the use of some
- 33          or all of the design strategies available in this Ordinance. First, determine the number
- 34          of points scored from Chapter 13, Relative Development Standards, which
- 35          determines the possible density yield category for the application. Next, evaluate and
- 36          comply with any adjusted prerequisites shown in the potential density yield
- 37          categories. Finally, consider adjustments to application design and character to
- 38          achieve higher scores.
- 39          a. Exempt: 0-29 Points

- i. 4 lots per 100 acres
- b. Compliant: 30-39 Points
  - i. 8 lots per 100 acres
  - ii. 65% Open Space
- c. Certified: 40-49 Points
  - i. 20 lots per 100 acres
  - ii. Community Water and Septic/Sewer
  - iii. 65% Open Space
  - iv. TDRs per Chapter 14, Transferable Development Rights (TDRs)
    - a. Sending Area and Receiving Area shall each be awarded 8 lots per 100 acres as a baseline.
    - b. Example: Sending Area is 100 acres, Receiving Area is 100 acres, with each having 8 lots available. All 8 lots are transferred from Sending Area to Receiving Area, multiplied by 1.5 (TDR Multiplier – Chapter 14). Receiving Area now has 20 lots:  $8 + 12 (8 \times 1.5)$ ; Sending Area now has 0 lots, as all have been purchased and transferred, perpetually extinguishing development rights on the Sending Area.
- d. Silver: 50-59 Points
  - i. 30 lots per 100 acres
  - ii. Community Water and Septic/Sewer
  - iii. 70% Open Space
  - iv. TDRs per Chapter 14, Transferable Development Rights (TDRs)
    - a. Sending Area and Receiving Area shall each be awarded 8 lots per 100 acres as a baseline.
    - b. Example: Sending Area is 100 acres, Receiving Area is 100 acres, with each having 8 lots available. All 8 lots are transferred from Sending Area to Receiving Area, multiplied by 1.5 (TDR Multiplier – Chapter 14). Receiving Area now has 20 lots:  $8 + 12 (8 \times 1.5)$ ; Sending Area now has 0 lots, as all have been purchased and transferred, perpetually extinguishing development rights on the Sending Area.
- e. Gold: 40-79 Points
  - i. 40 lots per 100 acres
  - ii. Community Water and Septic/Sewer
  - iii. 75% Open Space
  - iv. TDRs per Chapter 14, Transferable Development Rights (TDRs)
    - a. Sending Area and Receiving Area shall each be awarded 8 lots per 100 acres as a baseline.
    - b. Example: Sending Area is 100 acres, Receiving Area is 100 acres, with each having 8 lots available. All 8 lots are transferred from Sending Area to Receiving Area, multiplied by 1.5 (TDR Multiplier – Chapter 14).

Receiving Area now has 20 lots: 8 + 12 (8 x 1.5); Sending Area now has 0 lots, as all have been purchased and transferred, perpetually extinguishing development rights on the Sending Area.

f. Platinum: 80-100+ Points

i. 60 lots per 100 acres

ii. Community Water and Septic/Sewer

iii. 80% Open Space

iv. TDRs per Chapter 14, Transferable Development Rights (TDRs)

a. Sending Area and Receiving Area shall each be awarded 8 lots per 100 acres as a baseline.

b. Example: Sending Area is 100 acres, Receiving Area is 100 acres, with each having 8 lots available. All 8 lots are transferred from Sending Area to Receiving Area, multiplied by 1.5 (TDR Multiplier – Chapter 14). Receiving Area now has 20 lots: 8 + 12 (8 x 1.5); Sending Area now has 0 lots, as all have been purchased and transferred, perpetually extinguishing development rights on the Sending Area.

9. Minimum Lot Size.

a. Onsite Well and Septic. One and a half (1.5) acres, which shall allow for proper spacing of a culinary well, primary septic drain field, backup septic drain field, and any building site, as directed by the Idaho Department of Environmental Quality

b. Central Water and Septic/Sewer, Public or Private. No minimum.

10. Dimensional Standards

a. Minimum Street Frontage: 100 linear feet.

b. Minimum Property Width and Depth: 100 feet.

c. Minimum Setback from right-of way:

i. Arterial, Collector, or Section Line roadway: 50 feet.

ii. Other roadway: 30 feet.

iii. Property line NOT fronting roadway: 25 feet.

a. Accessory structures: 12 feet.

iv. Setback distance shall be determined from the edge of the right-of-way (ROW). Where the edge of the ROW is unknown, a measurement from the centerline of the extant roadway shall be made until reaching ½ of the overall ROW width as provided by the Teton County Public Works Director.

v. Any lot located on a corner of two roads shall meet the required setbacks along both road frontages.

d. Maximum Coverage: 50 percent.

i. Lot coverage shall not exceed 14,000 square feet without the granting of a special use permit.

e. Maximum Height:

- i. Single Family: 40 feet.
- ii. Multifamily, Commercial, Industrial: 50 feet.
- iii. Accessory Structures: 30 feet.
- iv. A special use permit may be requested to exceed this limit.

**B.** Next Zone [RESERVED for Code Studio]

**C.** Next Zone [RESERVED for Code Studio]

**D.** Next Zone [RESERVED for Code Studio]

## **CHAPTER 6** Overlay Areas

**08-6-1:** Overlay Area Descriptions: An “overlay area” is defined either by 1) an adopted overlay map (adopted and incorporated herein by reference) or, 2) the delineations included in the overlay’s definition or, 3) both a map and the delineations. An “overlay area” overlays one or more zoning districts and requires special regulations and restrictions because of topography and geographical location, natural resource characteristics, health, safety, and general welfare issues. Overlay areas are not zoning districts. The purpose for each of the overlay areas is described below.

**A.** (AV) AIRPORT VICINITY OVERLAY: The purpose of this overlay area is to ensure that the uses established in the vicinity of the Driggs-Reed Memorial Airport will protect adjacent zoning districts from excessive impact of airport related activities, and will protect the airport related activities from encroachment of incompatible uses on airport operations.

**B.** (FP) FLOODPLAIN OVERLAY: The purpose of this overlay is to ensure that development does not occur where it might result in loss of human life or significant property damage due to flooding, and that any permitted development in those areas is located, designed, and constructed to minimize risks to human life and property.

**C.** (HS) HILLSIDE OVERLAY: The purpose of this overlay is to ensure that development does not occur where it might result in excessive erosion or put human lives or property at risk from erosion.

**D.** (SC) SCENIC CORRIDOR OVERLAY: The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County is sufficiently protected from unsightly and incompatible land uses.

**E.** (WW) WETLANDS AND WATERWAYS OVERLAY: The purpose of this overlay area is to ensure that any development that takes place in the wetland areas of Teton County occurs in low-density patterns. It is the intent of this overlay area to make maximum use of cluster designs in residential developments in order to leave critical open space areas intact and protect the important wetland environment. It is also the purpose of this overlay area to ensure that critical waterway frontages and corridors in Teton County is sufficiently protected from encroachment of land uses that would degrade the viability of the waterway.



**08-6-2:** Overlay Regulations: The following regulations apply within the boundaries of each respective overlay district.

**A.** A. (AV) AIRPORT VICINITY OVERLAY REGULATIONS: All proposed development within the AV Airport Vicinity Overlay District shall be subject to all applicable Federal, State, and local aviation and development regulations. FAA Form 7460-1 shall be completed and submitted to the City of Driggs or to Teton County, as appropriate, for any proposed construction or alteration within the AV Airport Vicinity Overlay District.

**B.** B. (FP) FLOODPLAIN OVERLAY REGULATIONS: The provisions of this overlay district shall apply to those lands shown on the FP Floodplain Overlay map, as defined in **Chapter 2**.

1. Documentation Required: For any proposed development that is located within a floodplain, the developer shall submit an Application for Permit to Develop in a Flood Plain with a development plan of adequate scales and supporting documentation that will show and explain the following:

- a. Location of all planned improvements;
- b. Location of existing structures;
- c. The location of the floodway and the floodway fringe per engineering practice as specified by the Army Corps of Engineers;
- d. Base flood elevation;
- e. Delineated 100-year Floodplain and Floodway;
- f. The location of the present water channel;
- g. Any planned rerouting of waterways;
- h. All major drainage ways;
- i. Areas of frequent flooding;
- j. Means of flood proofing buildings; and
- k. Means of ensuring loans for improvements within the floodplain.

2. Demonstration of No Hazard: Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the Planning Administrator that such development will not present a hazard to life, limb, or property; will not have adverse effects on the safety, use or stability of public way or drainage channel or the natural environment. The applicant's statement shall be prepared and signed by a professional engineer.

3. Increased Flows: No development shall be approved prior to a letter of approval being received from FEMA if the proposed development includes levees, fills, structures or other features that could increase flood flows, heights or damages. If only a part of a proposed development can be safely developed, the Board shall limit development to that part and shall require that the development proceed consistent with that determination.

4. Required Assurances: All development shall be reviewed to assure that:

- a. Proposals are consistent with the need to minimize flood damages;



- b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages and adequate drainage is provided so as to reduce exposure to flood hazards.
- c. To be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding in accordance with Eastern Idaho Public Health Department policy and regulations and when required by state code or the Department of Environmental Quality.

**C.** (HS) HILLSIDE OVERLAY REGULATIONS: The HS Hillside Overlay shall apply to those lands within the boundaries of the HS Hillside Overlay area as defined in Chapter 2. All proposed development on slopes greater than 30% shall comply with the International Building Code as adopted by Teton County in Title 6. Additionally, roads, driveways and building sites shall be designed to minimize erosion and protect steep slopes.

**D.** (SC) SCENIC CORRIDOR OVERLAY REGULATIONS: The SC Scenic Corridor Overlay shall apply to those lands within the boundaries of the SC Scenic Corridor Overlay area (as defined in Chapter 2).

1. Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.
2. Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road. These materials will be submitted with a conditional use or building permit application, and at the preliminary plat stage of a subdivision or PUD application.
3. Design Review Criteria: A development application shall only be approved if the Planning Commission finds that it meets the following criteria:
  - a. Setbacks: No permanent structure shall be constructed within 50 feet of the outer edge of the road right-of-way, unless the parcel does not contain any buildable site outside of the setback area, in which case primary structures shall be located as far from the outer edge of the road right-of-way as possible.
  - b. Building Envelopes: The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:
    - i. Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.
    - ii. Where existing topography and natural vegetation cannot be used to screen buildings as described in subsection i above, building envelopes should be

located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.

iii. Notwithstanding subsections i and ii above, building envelopes shall be located so that no portion of a building up to 30 feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road, and the applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met.

c. Building Materials: All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.

d. Roads and Driveways: Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and drive-ways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible.

4. Satellite Dishes: All satellite dishes in the proposed development shall be located to minimize visibility from the State Highways and Ski Hill Road and shall use earth tone colors and/or screening to minimize their visual impact.

5. Screening: Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs.

6. Revegetation: The applicant shall revegetate all areas disturbed by grading or cut-andfill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

7. Utilities: All service utilities (including but not limited to electric and telecommunication lines) shall be placed underground.

8. Signs: Signs within the Scenic Corridor Overlay require a sign permit subject to the provisions in Section 8-9: SIGNS, and the written approval of the Planning Administrator.

**E. (WW) WETLANDS AND WATERWAYS OVERLAY REGULATIONS:** The WW Wetlands and Waterways Overlay shall apply to those lands within the boundaries of the WW Wetlands and Waterways Overlay area (as defined in Chapter 2).

1. Wetland Map Information: The County zoning maps do not indicate the designated wetland areas in detail and included in the designated wetland areas are some designated upland areas. An applicant may contact the U.S. Army Corps of Engineers (Corps of Engineers) to obtain detailed mapping information about wetlands on or near the proposed and included in a development application. If the Corps of Engineers provides written site-specific information regarding the location or extent of wetlands on an applicant's property, the County will use that information in its review of the application (in lieu of the more general definition in Chapter 2).

a. Development Criteria:

i. All building envelopes shall be located at least 100 feet from the high water mark of the Teton River and at least 50 feet from the high water mark of any waterway listed in the definition of the WW area in Chapter 2.

- 1                   ii. When an application contains “upland” areas, building envelopes may be  
2 located in upland areas with the approval of, and subject to any conditions  
3 imposed or recommendations made by, the Corps of Engineers.  
4 Preservation of open space between upland areas and wetland areas may  
5 be required to protect wetland functioning, and to protect fish and wildlife  
6 indicator species or habitat identified through the wildlife habitat assessment.
- 7                   iii. All building envelopes shall comply with lot frontage, lot size, building  
8 setbacks, well, septic, sewer, and health requirements, as determined by  
9 Teton County, U.S. Army Corps of Engineers, and Eastern Idaho Public  
10 Health Department officials as applicable. Building setbacks shall also apply.
- 11

12 **CHAPTER 7**       Land Use Standards

13 **08-7-1:**       What this Chapter Does. [RESERVED]

14 **08-7-2:**       Zoning Restrictions and Land Use Table. Land use, height, setback, lot size, off-  
15 street parking and sign schedules are described in this chapter and Chapter 5 of  
16 this title. Permitted land uses are outlined in the following Land Use Matrix (Table  
17 1), land use schedule for the zoning districts. No other uses shall be permitted  
18 without being added to the schedule.

19 [insert table here – RESERVED FOR CODE STUDIO]

20 **A.**       In accordance with State and Federal law, Teton County cannot abrogate the authority  
21 of a public health district, state and/or Federal agency; thus, all permits required by a  
22 public health district, state and/or Federal agency must be received prior to Teton  
23 County's grant of any permit regulated by these agencies.

24 **B.**       All the land uses in [RESERVED FOR CODE STUDIO] districts shown as a CU will  
25 require a Conditional Use Permit to include a commercial development agreement to  
26 insure the public health, safety and general welfare and to preserve the integrity of the  
27 particular zoning district and surrounding zoning districts, and to protect the property  
28 values in the surrounding areas. In order to accomplish any or all of the above goals this  
29 permit shall include a property survey and at the discretion of the Planning Administrator  
30 may be required to submit a site plan that would include special structural or landscape  
31 amenities such as, but not limited to: extra-ordinary setbacks, berms, landscaping,  
32 fencing, parking, ingress and egress specifications, etc.

33 **C.**       Permitted with conditions (PC) is a use category other than permitted use or conditional  
34 use that may be permitted administratively by meeting and maintaining minimum  
35 conditions of approval as listed in the PC permit. [RESERVED FOR CODE STUDIO]

36 **08-7-3:**       Land Use Schedule Definitions.

37 **A.**       List follows:

- 38           1. AGRICULTURE, COMMERCIAL: The process of raising field, horticultural or garden  
39 crops or produce; the raising of domestic animals or fowl; or the planting of tree farms  
40 or sod farms for the purpose of commercial production. Includes Agricultural Building  
41 and Farm/Ranch.
- 42           2. AGRICULTURAL PROCESSING PLANT: A facility used for the collection,  
43 slaughtering, cooking, dehydrating, refining, bottling, canning, or other treatment of

1 agricultural products where agricultural animal material or wild game, or agricultural  
2 crops, is changed and packaged for efficient shipment.

- 3 3. ANIMAL GROOMING/ TRAINING: A place or establishment where small  
4 animals/pets are bathed, clipped, or combed for the purpose of enhancing their  
5 appearance or health and for which a fee is charged, including day training and  
6 related retail sales.
- 7 4. APPLIANCE/ ELECTRONIC REPAIR SERVICE / SHOP: A shop where repairs and  
8 service are performed on appliances, electronics, or small machines.
- 9 5. ASSISTED LIVING CENTER/RETIREMENT HOME: Residences for the elderly  
10 usually configured in three sections consisting of independent living, assisted living  
11 and long-term care. The latter must be licensed to provide medical care by local,  
12 state and federal agencies as required by law. The center provides rooms, meals,  
13 and personal care, but not 24 hour skilled nursing care or related medical services.  
14 They may provide other services, such as recreational activities, financial services,  
15 and transportation. These centers are usually located in urban areas close to medical  
16 facilities.
- 17 6. AUTOMOTIVE CONVENIENCE STATION (C-Store): A building or premises where  
18 gasoline, diesel fuel and oil may be dispensed at retail with no automobile repair  
19 facilities. Uses permissible also include the sale of cold drinks, packaged foods,  
20 tobacco and similar convenience goods and limited automobile supplies for station  
21 customers.
- 22 7. AUTOMOTIVE SERVICE STATION: A facility limited to retail sales to the public of  
23 motor fuel, motor oil, lubricants, travel aids, and minor automobile accessories,  
24 convenience items and sundries. In addition such facility may provide minor vehicle  
25 services and repairs.
- 26 8. AVIATION FIELD, AIRPORT/ HELIPORT: An area of land or water that is used or  
27 designed for the landing and take off of aircraft, any appurtenant areas designated or  
28 intended for use by aircraft, and including buildings and facilities thereon for the  
29 shelter, servicing or repair of aircraft.
- 30 9. AVIATION REPAIR FACILITY: A building or premises where aircraft servicing or  
31 repairs are conducted.
- 32 10. BAKERY: An establishment in which the production, wholesaling and/or retailing of  
33 baked goods occurs.
- 34 11. BAR/TAVERN/ NIGHT CLUB/LOUNGE: An establishment or place of business  
35 primarily engaged in the preparation and retail sale of alcoholic beverages for  
36 consumption on the premises, from which at least 50% or more of the gross income  
37 is derived from the sale of alcoholic beverages, including taverns, bars, cocktail  
38 lounges, and similar uses other than a "restaurant," as that term
- 39 12. is defined in this Chapter, and/or in which dancing and musical entertainment is  
40 permitted.
- 41 13. BARBER/BEAUTY SHOP: An establishment where barbering and hairdressing are  
42 done.
- 43 14. BED & BREAKFAST INN, BOARDING/LODGING HOUSE: A residence or building  
44 that has four or more guest units, exhibits a character of use similar to a motel or  
45 hotel, serves food to overnight guests, and is open to the traveling public for stays  
46 fewer than 30 consecutive days.

- 1 15. BED & BREAKFAST, RESIDENTIAL: An establishment or business that is a private,  
2 owner-occupied residence with one to three guestrooms, occupied or used as a  
3 transient abiding place of individuals or groups of individuals who are lodged for  
4 compensation, with or without food service, for a stay of no more than 14 consecutive  
5 days.
- 6 16. BEEKEEPING: The tending of beehives and the production or processing of bee  
7 products.
- 8 17. BLACKSMITH: The premises where a person shapes and forges iron with a hammer  
9 and anvil.
- 10 18. BOOK STORE: A retail establishment that as its primary business engages in the  
11 sale, rental or exchange of books, magazines, newspapers, greeting cards, video  
12 tapes, computer software or any other printed or electronically conveyed music,  
13 information or media, excluding any adult bookstore.
- 14 19. BREEDING DOMESTIC ANIMALS: An agriculture establishment where animals are  
15 impregnated either naturally or by artificial insemination and whose principle purpose  
16 is to propagate the species.
- 17 20. BREWERY: A commercial use that brews ales, beers or similar beverages onsite. It  
18 may be operated in conjunction with a bar or restaurant.
- 19 21. BUILDING TRADES SUBCONTRACTOR: A person hired by a general contractor to  
20 perform a specific task as part of the overall building project, such as, but not limited  
21 to, framing, plumbing, electrical, drywall, plastering, masonry, roofing, or painting. A  
22 building trades subcontractor's place of business may include a business office and  
23 shall not include outside storage of any heavy construction equipment.
- 24 22. CABINET SHOP: An enclosed space used for the operation of machinery that  
25 specializes in the making of furniture and cabinets.
- 26 23. CAMPGROUND, RV PARK OR TRAVEL TRAILER CAMP: A parcel of land under  
27 single, unified ownership or control, within which spaces are rented or used by the  
28 ownership for occupancy by two (2) or more recreational vehicles and may include  
29 tent sites, cabin sites, or travel trailer sites for nightly or short-term rental.
- 30 24. CEMETERY: A place used for interment of human or animal remains, including burial  
31 land for earth interments, a mausoleum for vault or crypt interments, a columbarium  
32 for cinerary interments, or a combination thereof, and its necessary sales and  
33 maintenance facilities.
- 34 25. CHURCH OR PLACE OF WORSHIP: A permanent building in which religious  
35 services and other activities associated with a religious denomination are conducted.
- 36 26. CLOTHING MANUFACTURE: An establishment engaged in the indoor  
37 manufacturing, assembly, fabrication, packaging or other light industrial processing of  
38 clothing but does not include processing from raw materials.
- 39 27. CLOTHING SALES/ REPAIR: A retail operation that specializes in the sale and/or  
40 repair of clothing in which services are provided to individuals/households and not for  
41 businesses. Clothing sales may include secondhand merchandise.
- 42 28. COMMERCIAL FEEDLOT: Commercial feedlots for the raising and selling of farm  
43 animals. Also referred to as Concentrated Animal Feeding Operation, or CAFO.

- 1 29. COMPOSTING FACILITY: A site where decomposition processes are used on solid  
2 waste (including leaves, grass, manures, and non-meat food production wastes) to  
3 produce compost.
- 4 30. CONCRETE BATCH PLANT/ROCK CRUSHING: A temporary facility that produces  
5 or processes concrete or asphalt only for use in a particular construction project and  
6 only for the duration of that project.
- 7 31. CONSTRUCTION/ GENERAL CONTRACTOR: A person engaged in any of the  
8 activities commonly referred to as construction and shall include clearing and  
9 grubbing, excavation, foundation work, framing, plumbing, heating, wiring, roofing,  
10 siding, interior construction or remodeling, insulating, exterior construction, repair,  
11 stone/brick work, landscaping, installing pools/hot tubs, demolition, road building,  
12 paving, and utility installation, plus maintenance of the above. A contractor's  
13 residence may include an on-site storage area, subject to the provisions and  
14 restrictions of Table 8-4-1 and Section 8-6 of Title 8. A contractor's outdoor storage  
15 area does not include vehicles, junk material, or any equipment not related to the  
16 contractor's business.
- 17 32. CONSTRUCTION MATERIALS SALES SERVICES: Establishments or places of  
18 business primarily engaged in the retail or wholesale sale of materials used in the  
19 construction of buildings or AND other structures, as well as construction activities  
20 and the outdoor storage of construction equipment or materials on lots other than  
21 construction sites. Typical uses may include lumberyards, building materials or  
22 supply stores, tool and equipment rental or sales, building contractors, or home  
23 improvement center.
- 24 33. CONVALESCENT/ NURSING HOME: A home for the aged or infirmed in which two  
25 or more persons not of the immediate family are received, kept, or provided with  
26 food, shelter, skilled nursing care and related medical services for compensation or  
27 not.
- 28 34. COPY SHOP: A small-scale facility for the reproduction and copying of printed  
29 material, drawings or blueprints, and may include collating and binding of booklets  
30 and reports, and includes the service of facsimile sending and receiving. Sale of  
31 incidental office supplies is included. This does not include sign shops, printing  
32 establishments, or similar large-scale operations.
- 33 35. CORRECTIONAL/PENAL INSTITUTION: A facility housing persons awaiting trial or  
34 persons serving a sentence after being found guilty of a criminal offense, including  
35 treatment or rehabilitation facilities.
- 36 36. COUNTRY CLUB: A club with recreation facilities, including incidental accessory  
37 uses and structures, for members, their families, and invited guests.
- 38 37. CREMATORY: A facility intended for use in the act of cremation.
- 39 38. CROP PRODUCTION, COMMERCIAL: The process of raising field, horticultural or  
40 garden crops or produce for the purpose of providing food production for sale.
- 41 39. CROP PRODUCTION, HOME: The process of raising field, horticultural or garden  
42 crops or produce for the purpose of providing production for the owner of the land  
43 upon which the crops or produce are raised or for someone designated by the  
44 landowner, but not intended for sale.

- 1 40. DAIRY: A commercial establishment set up for the purpose of manufacturing and/or  
2 processing of dairy products. This definition shall also include any accessory building  
3 related to dairy activities.
- 4 41. DAIRY BUSINESS: The keeping of milk-producing animals, offspring and breeding  
5 stock primarily for the production of milk and/or the processing of milk products.
- 6 42. DAY CARE CENTER: A childcare facility licensed by the State of Idaho to provide  
7 care on a regular basis for thirteen (13) or more minor children for any part of a 24  
8 hour day, without overnight stays. This term is inclusive of nursery schools,  
9 preschools, and play groups and excludes facilities that offer care for overnight or a  
10 full 24-hour period.
- 11 43. DAY CARE, GROUP The use of a residential dwelling and the lot upon which it is  
12 located to conduct a business providing State of Idaho licensed daytime care of  
13 between seven (7) and twelve (12) children, including those who reside at the home,  
14 for periods of less than 12 hours per day.
- 15 44. DAY CARE HOME, FAMILY: The use of a residential dwelling and the lot upon which  
16 it is located to conduct a business providing the daytime care of up to six (6) children,  
17 including those who reside at the home, for periods of less than 12 hours per day.  
18 The State does not require that the provider be licensed.
- 19 45. DRUG STORE: A business where legal drugs and medicines are prepared,  
20 dispensed and sold, and where a variety of unrelated merchandise and services are  
21 displayed and sold directly to the customer, also called a variety store with a  
22 pharmacy.
- 23 46. DRY CLEANERS: An establishment where articles dropped off directly by the  
24 customer are laundered, altered or dry cleaned; or where articles are dropped off,  
25 sorted, and pickup up, but laundering or cleaning is done offsite.
- 26 47. DUDE RANCH: A ranch that provides multi-night accommodations for guests,  
27 provides a recreational activity or immediate access to recreational activities, has  
28 dining facilities on-site, barns, associated buildings, corrals, pastures, and livestock  
29 related to a working ranch and/or the recreational activity available to guests. The  
30 guest/dude ranch does not include a commercial restaurant, café or bar that caters to  
31 the general public, nor does it actively solicit nightly accommodations.
- 32 48. DWELLING, ACCESSORY UNIT: A secondary dwelling unit that may be a detached  
33 structure on the same parcel as the primary unit, or attached to the primary  
34 residential unit but fully separated from the primary unit by means of a wall or floor  
35 and using a separate entrance from the primary unit. It must be subordinate in size to  
36 the primary unit and have its own kitchen, bathroom facilities, and bedroom. The  
37 maximum size of an accessory dwelling unit shall not exceed 50% of the square  
38 footage of the primary residence or 900 square feet whichever is greater, not to  
39 exceed a total of 1500 square feet. On parcels of five (5) acres or greater in size, this  
40 size restriction shall not apply. Only one (1) accessory dwelling unit shall be allowed  
41 per parcel. Accessory dwelling units shall not be permitted on parcels of less than  
42 one (1) acre.
- 43 49. DWELLING DUPLEX: See Dwelling, Two-Family.
- 44 50. DWELLING, MULTIPLE-FAMILY: Any building or portion thereof, which is designed,  
45 built, rented, leased, or let to be occupied as three (3) or more dwelling units, which is  
46 occupied as a home or place of residence by three (3) or more households living in  
47 the independent dwelling units.

- 1 51. DWELLING, SINGLE- FAMILY DETACHED: A dwelling designed and constructed for  
2 occupancy by one household and located on a lot or separate building tract, having  
3 no physical connection to a building on any other lot or tract. This includes  
4 manufactured homes.
- 5 52. DWELLING, TWO FAMILY: A single structure designed and constructed with two (2)  
6 dwelling units with a common wall for occupancy by two (2) households on one lot of  
7 record.
- 8 53. EDUCATIONAL INSTITUTION: Any teaching facility, including instructional and  
9 recreational uses and facilities for students, teachers, and employees.
- 10 54. EMERGENCY SERVICE STATION: A facility for public safety and emergency  
11 services, including fire or sheriff protection or the provision of rescue or ambulance  
12 services, and related administrative and training facilities, but not including  
13 incarceration facilities.
- 14 55. FABRICATED METAL PRODUCTS: An establishment where metal-working  
15 machines are used to assemble metal parts to produce metal products such as, but  
16 not limited to, duct work, tanks, towers, cabinets and enclosures, doors and gates.
- 17 56. FARM / RANCH: An area of land, which is used for the commercial production of  
18 crops or the keeping of the usual farm poultry and animals and normal accessory  
19 uses for these purposes.
- 20 57. FARM STAND: A building, structure, or vehicle used for retail sales of fresh fruits,  
21 vegetables, flowers, herbs, or plants. May also involve the accessory sales of other  
22 unprocessed foodstuffs, home processed food products such as jams, jellies, pickles,  
23 sauces, or baked goods, and homemade handicrafts. No commercially processed or  
24 packaged foodstuffs shall be sold at a farm stand.
- 25 58. FLORIST SHOP: A retail business whose principle activity is the selling of plants,  
26 which care not grown on the site, and conducting business within an enclosed  
27 building.
- 28 59. FOOD PROCESSING PLANT: A manufacturing establishment producing or  
29 processing foods for human consumption. Rendering plants or facilities that slaughter  
30 animals shall not be included.
- 31 60. FUEL STORAGE, COMMERCIAL OR INDUSTRIAL: An open-air facility for the bulk  
32 storage of petroleum products in above ground or below grade containers for  
33 subsequent resale to distributors or retail dealers or outlets.
- 34 61. FUNERAL HOME SERVICES: An establishment that prepares dead humans or  
35 animals for interment, manages funeral services, and may include limited caretaker  
36 facilities. This definition does not include cemetery, crematorium or columbarium.
- 37 62. FURNITURE AND APPLIANCE STORE: A retail establishment specializing in the  
38 sale, rent, or lease of home or office furniture and related furnishings directly to the  
39 consumer. Usually includes a home delivery option. The sale and/or servicing of  
40 major home appliances shall not be included.
- 41 63. FURNITURE/FIXTURES MANUFACTURE: A light-manufacturing establishment  
42 engaged in the production of furniture or cabinetry. The milling of wood shall not be  
43 included.
- 44 64. GARDEN CENTER: A business that sells garden equipment, garden tools,  
45 landscaping materials, fertilizers, soil, seeds, and associated supplies. The garden



center may sell plants, flowers, shrubs, and trees if the sales of live plants are minor to the operation.

65. GOLF COURSE: A tract of land with at least nine holes for playing the game of golf and improved with tees, greens fairways and hazards. A golf course may include a clubhouse and shelters.

66. GOLF DRIVING RANGE: An area on which players drive golf balls from a central driving tee and incidental activities pertaining to this activity, such as chipping and putting green, distance markers, clubs, balls, tees, and pro shop.

67. GROCERY STORE: A retail store where most of the floor area is devoted to the sale of food products for home preparation.

68. GROUP HOME: A home for persons with disabilities, including hospice and/or other special care needs; or a residential facility where meals, lodging, supervision and training are provided. Halfway houses and detention facilities are not included in this definition.

69. HARDWARE STORE: A retail store that engages primarily in the sale of basic hardware lines such as: tools, plumbing and electric supplies, paint, household appliances, garden supplies.

70. HEAVY EQUIPMENT SALES LOT: The sale, lease or rental of trucks, tractors, construction equipment, trailers, agricultural implements, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships and construction equipment dealerships.

71. HOME OCCUPATION: An activity conducted in a dwelling unit or accessory building in a residential zone (A-20, A-2.5, R-1, R-2) as an economic enterprise or for financial gain by a member of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling or the accessory building or change the residential character of the neighborhood. See Chapter 4, Section 8-6-4 for Home Occupation requirements and standards.

72. HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, including a hospice, but distinguished from a nursing home by offering primarily short-term rather than long-term care.

73. HOTEL/MOTEL: Any building or portion thereof containing guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.

74. IRRIGATION CANAL/ PIPELINE: A pipeline or an excavation dug or placed on grade for carrying water for the purpose of irrigation.

75. JUNKYARD, COMMERCIAL: Includes salvage yards or vehicle graveyards, and any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal-processing facility. It does not mean a repair garage or impound yard where wrecked, ticketed, abandoned, or disabled motor vehicles are stored for less than 90 days. The term does not include a regulated private garbage dump or a sanitary landfill that is in compliance with any applicable state regulation.

76. JUNKYARD, NON-CONFORMING: Any place of outdoor storage or deposit which presently is, or has been previously developed as a location used for the storing or

keeping of junk. These locations are on properties not zoned for commercial or manufacturing uses and no County land use permit has ever been issued in connection with the junk storage. The junk materials may or may not have been the subject of commercial activity. In addition to miscellaneous junk materials, a small scale, non-conforming junkyard may have storage of four or more junk motor vehicles that are visible from any portion of a public highway, private subdivision road, or abutting residential structure.

77. KENNEL/BOARDING/ PET DAYCARE: The premises where breeding, buying, selling, sheltering, daily care or boarding of domestic animals takes place, whether for profit or pleasure. Anyone who owns or possesses six or more domestic animals for profit or pleasure, breeding or exhibiting, shall be deemed the operator of a kennel.

78. LANDFILL/GRAVEL PIT RECLAMATION: The stabilization of an inactive portion of a landfill or borrow pit according to an approved land re-use strategy.

79. LANDSCAPING CONTRACTOR BUSINESS: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.

80. LAUNDROMAT: A facility where patrons wash, dry, or dry clean clothing in machines operated by the patrons.

81. LP GAS OR FUEL OIL SALES: Sale (retail or wholesale) of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas).

82. LUMBER YARD: A facility or area where building materials such as lumber, plywood, drywall, paneling, cement blocks, bricks, tiles and other building products are stored and sold at retail. Lumber yards may provide for the sale of associated products such as tools and fasteners. The manufacture or fabrication of lumber products, the storage or sale of firewood or a sawmill are not included.

83. MANUFACTURED HOME PARK: Any lot or parcel under single ownership on which two (2) or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

84. MANUFACTURING, INDUSTRIAL: An establishment at which an economic activity involves the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. The manufacture of industrial solvents and cleaners shall be included.

85. MANUFACTURING, LIGHT: A use engaged in the manufacture of finished products or parts predominantly from previously prepared materials, including: processing, fabrication, assembly, treatment and packaging of their products and incidental storage, sales, and distribution of their products. The manufacture of industrial solvents and cleaners shall not be included.

86. MINING: Any mining or similar activity including gravel and/or sand pits, quarries, oil, gas, and mineral extractions and treatment activities, facilities and operation. Sod farms, land leveling for agricultural purposes and excavation for permitted uses per this title shall not be included in said definition.

87. MOBILE HOME/ MODULAR UNIT/ TRAILER HOME, SINGLE-WIDE: A vehicle with or without motive power designed to be used for human habitation. Also, a vehicular portable structure for human habitation built on a chassis and designed to be used

without a permanent foundation which is not taxed as real property by the county and state.

88. MUSEUM: A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.

89. NURSERY: A place where young trees and plants are raised for sale.

90. OFFICE/PROFESSIONAL BUSINESS: An establishment providing direct services to consumers such as insurance agencies, title insurance companies, real estate offices, and medical or dental clinics. It does not include retail sales.

91. PET STORE: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds and reptiles excluding exotic and farm animals.

92. PLANT NURSERY/ GREENHOUSE: A place at which occurs the growing, cultivation, storage or sales of plants, flowers, garden stock, trees, or shrubs to the public. The plants may be grown on-site outdoors or in a greenhouse. A nursery may be part of a landscaping business.

93. PLAYGROUND: The provision of outdoor playground or recreation that is accessory to a subdivision, apartment or condo complex, church or other similar principal use, whether public or private.

94. PLUMBING/HEATING EQUIPMENT SHOP: A business that sells plumbing fixtures, heating equipment, hardware and accessories to the public or contractors.

95. PRINTING OR PUBLISHING: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

96. RETREAT CENTER: A facility used by small groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meal or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

97. RECREATION AREA: Facilities for shooting or archery ranges, rod and gun clubs, paintball, nordic skiing, ropes courses, ice skating or other forms of non-motorized outdoor recreation for which buildings are incidental and accessory.

98. RECREATION FACILITY: An establishment providing sports, fitness, entertainment, or recreation for participants or spectators, but does not include a sexually-oriented business.

99. RECREATION, MOTORIZED: A track for motorized recreation.

100. RECYCLING DROP-OFF: A location where mobile bins or drop boxes may be sited as a recyclable material collection point for nearby residents for the temporary storage of recoverable/recyclable materials from normal household operations. No permanent storage or processing of such items shall be allowed. This facility would generally be located in a parking lot in public/quasi-public areas, such as in churches or schools.

101. RESEARCH FACILITY: Laboratories, building complexes, and structures that are for research, development, and testing that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall conform to state and federal air and water regulations.
102. RESTAURANT: An establishment primarily engaged in preparation of meals for compensation, with kitchen facilities for the preparation of the food sold, where alcoholic beverages may or may not be sold in conjunction with meals only, provided that at least 70% or more of the gross income generated at the restaurant is related to food sales, and including among others, such uses as café, cafeteria, coffee shop, lunchroom, tearoom, dining room, food delivery, and food take-out.
103. RIDING ACADEMY: An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing is offered.
104. RIDING/TRAINING STABLE: An operation where horses may be stabled for the public for a fee. The owner/operator may provide training for a fee for stabled horses and the owners thereof or the stabled horse owner agent.
105. ROADSIDE STAND, AGRICULTURAL PRODUCTS: A temporary structure erected for the display of grown or produced agricultural products, generally on the same premises where produced, with no space for customers within the structure itself.
106. SALVAGE YARD: Any location where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including scrap metal, other scrap material or for the dismantling, demolition appliances, papers, rags, tires, and bottles, etc., or any parts thereof.
107. SEWAGE TREATMENT FACILITY: A facility for the collection, treatment and disposal of human waste and wastewater for a given service area.
108. SEXUALLY ORIENTED BUSINESS: An adult arcade, adult products retail store, adult cabaret, adult live entertainment facility, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.
109. SHEET METAL FABRICATION: An establishment engaged primarily in the on-site production of sheet metal fabrication, roofing products and signs within an enclosed structure.
110. STORAGE FACILITY: A building or premises in which goods, merchandise or equipment are stored for eventual distribution.
111. STORAGE UNITS: A structure containing separate individual and private storage spaces of varying sizes, owned leased/rented on individual leases for varying periods of time. The following uses are prohibited: residential, commercial, wholesale or retail sales, or garage sales; the servicing, repairing or fabrication of motor vehicles, boat trailers, lawn mowers, appliances or other similar equipment; operation of power tools, spray painting equipment, welding equipment, kilns, or other similar equipment; the establishment of transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
112. STORAGE YARD: The long-term outside storage of certain materials or equipment in the same location for a time period of longer than nine months. Items used in a bona fide agricultural operation are excluded from this definition. Materials stored in a storage yard often include, but are not limited to, the following: 1) useable and/or inoperable equipment or material that is not directly associated with the

upkeep of the property or residence; or 2) merchandise; or 3) three or more unlicensed highway vehicles; or 4) any combination of two or more inoperable off-road or over snow vehicles.

113. STUDIO: A workspace for an artist, artisan or craftsperson, including persons engaged in the application, teaching, or performance of fine arts or crafts, that commonly include visual and performing art forms such as, but not limited to, drawing, painting, sculpture, vocal or instrumental music, dance, theater, photography, printmaking and writing. This use may include incidental sales to consumers of works produced on site.

114. TELE- COMMUNICATION TOWER: A transmission tower that serves an individual user or is privately owned and operated for the purpose of leasing space to others or for commercial use.

115. THEATER: A building used primarily for the presentation of live stage production, performances or motion pictures, excluding drive-in theaters.

116. THEATER, DRIVE IN: Facility used for outdoor motion picture viewing, which may include the preparation and sale of food for on-site consumption, as well as the hosting of outdoor events with special permits.

117. TRANSFER STATION: A fixed facility at which solid waste collected from any source is temporarily deposited to await transport to another solid waste facility. A transfer station may include a solid and household waste resale store.

118. TRANSPORTATION TERMINAL: A facility operated in conjunction with mass transportation for passengers. It may be a building or area where passengers change transportation modes or transfer from one vehicle to another, where transportation vehicles are parked or stored between uses, or where private vehicles are parked for less than 24 hours while the passengers are using the mass transportation system.

119. TRUCK STOP: A fuel station often combined with a restaurant or other facilities, usually along a major highway and frequented by truck drivers and travelers.

120. UPHOLSTERY OR FURNITURE REPAIR: A business that repairs and replaces upholstery or otherwise repairs household and office furniture. This does not include motor vehicle upholstery.

121. UTILITY BUILDING AND SERVICES: The premises and enterprise where electricity, natural gas, telephone, wireless communications, water supply, wastewater treatment, or other services, are provided to customers, and includes substations.

122. UTILITY INFRASTRUCTURE/ LINES: Facilities for the transmission of telephone, cable television, or other broadcasting or communication services, drainage, electricity, gas irrigation water, sewage, or water, and including relay, booster, pump, or other station.

123. VARIETY STORE: A retail establishment for the sale of general merchandise.

124. VEHICLE BODY SHOP: A facility that provides collision repair services including body frame straightening, replacement of damaged parts and painting.

125. VEHICLE REPAIR SHOP: A building, or portion thereof, other than a private garage, designed and used for servicing, repairing, equipping, selling, or storing motor driven vehicles.

- 1 126. VEHICLE SALES LOT: Premises on which new or used passenger automobiles,  
2 mobile homes, recreation vehicles, travel trailers, campers, boats, personal  
3 watercraft, or trucks in operating condition are displayed in the open for sale, trade or  
4 rental, where repair of such vehicles is limited to vehicles owned by the sales lot  
5 operator and offered for resale, and includes incidental storage and maintenance.
- 6 127. VEHICLE STORAGE: An area for long-term parking/storage of operable  
7 personal vehicles/equipment such as motor boats, motor homes, camping trailers,  
8 RVs, snow machines, etc., rather than parking such vehicles at the owners'  
9 residences when they are not in use. No for-sale signs shall be allowed on any of the  
10 stored/parked vehicles.
- 11 128. VEHICLE WASH: A place or structure having special equipment for washing  
12 automobiles and trucks.
- 13 129. VETERINARY CLINIC: An establishment for the care and treatment of small or  
14 large animals including livestock, horses and household pets under the direction of a  
15 licensed veterinarian.
- 16 130. VITICULTURE: The agricultural use of land for the primary purpose of growing,  
17 harvesting, producing, or selling of grape or other crops used to produce wine or  
18 similar spirits.
- 19 131. WAREHOUSE AND DISTRIBUTION: An establishment primarily engaged in the  
20 wholesaling, storage, and handling of materials and equipment other than live  
21 animals or plants.
- 22 132. WASTE MATERIAL An establishment devoted exclusively to the sale of solid  
23 and household
- 24 133. RESALE STORE: wastes, on the same premises as a transfer station that has a  
25 valid conditional use permit and meeting the requirements in 8-6-2 B.
- 26 134. WATER SUPPLY OR TREATMENT FACILITY: A facility for the storage and/or  
27 treatment of culinary water.
- 28 135. WELDING/ MACHINE SHOP: A workshop in which metal and other substances  
29 are cut, shaped, welded, etc., by machinery.
- 30 136. WILDLIFE FACILITY: An establishment and operation for the purpose of  
31 breeding, raising, rehabilitating, training, protecting, hunting, or selling wild animals,  
32 licensed by the state as necessary.
- 33 137. WIND ENERGY SYSTEM: A conversion system turning wind into electricity  
34 consisting of a wind turbine and/or a tower or associated control or conversion  
35 technologies with a rated capacity appropriate to the on-site electric usage.
- 36 138. WIND FARM: A network of densely arranged, high speed, wind turbines for  
37 generating electricity.
- 38 139. WINERY: An agricultural processing facility or business that ferments and  
39 processes wine, fruit, or other plants or vegetables into wine. Processing includes  
40 wholesale sales, crushing, fermenting, blending, aging, storage, bottling,  
41 administrative office functions, and warehousing. Retail sales, tasting facilities, the  
42 incidental provision of food without compensation, and related promotions are also  
43 included as part of a winery.
- 44 140. WOOD PRODUCTS: A use that includes an operation or facility that has, as its  
45 predominant purpose, the sawing or planing of logs into rough slabs or dimensional

lumber and includes the production of by-products such as wood chips. It also includes an operation where logs are cut into firewood and stored for later distribution.

**08-7-4: Classification of New And Unlisted Uses.**

**A. APPLICATION:** A request for a new use or unlisted land use shall be presented in an application to the Planning Administrator for consideration with regard to the North American Industry Classification System (NAICS). The NAICS manual is the standard code system describing and classifying business establishments on the activities in which they are primarily engaged.

Any use not shown as in a zoning district in Table ([see reference](#)) is specifically prohibited in that district, unless one of the following two actions occurs:

1. If a use is not listed on Table ([see reference](#)), the use shall be allowed in a zone district that permits a listed, materially similar use. To determine materially similar uses, the Planning Administrator shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2007 or most recent), hereafter "NAICS". The use shall be considered materially similar if it falls within the same industry group of the NAICS [four (4) digit number given with each use listed]. The Planning Administrator shall notify the commission and the board of the land use determination and process the administrative change into Title 8 within the following 12 months.
2. If the Planning Administrator determines that there is not a use in ([see reference](#)) having the same four digit category number, then the Planning Administrator shall place the application for a new or unlisted use on the agenda of the Planning & Zoning Commission. Said application shall be processed in accordance with the public hearing process as outlined in Sections 67-6511 and 67-6512 of the Idaho Statutes, which requires a public hearing by the commission and the Board of County Commissioners. The application shall concurrently be considered an amendment to Title 8.

**08-7-5: General Use Standards.**

**A. Dimensional Standards**

**1. HEIGHT, SETBACK AND LOT SIZE:**

- a. [\[Insert Table\]](#)
- b. 60 feet is the maximum height for silos, barns, and granaries in this district.
- c. Setbacks are measured from the side of the channel or high water mark whichever is greater.
- d. Setbacks for a detached accessory structure 200 square feet in size or less shall be a minimum of 12 feet from any property line and easement (A site inspection permit will be required).
- e. Any structure over 200 square feet in floor area that meets the agricultural exemption status of Title 6 will be required to meet the A-20 setback requirements in the above Table 2.

- 1 2. HEIGHT OF BUILDING: The vertical distance as measured from the highest point of  
2 the roof or the building down to a point representative of the average finished grade  
3 of the land around the perimeter of the building, except on hillside development, in  
4 which case height will be measured from the high side of the foundation, but no  
5 further than eight feet (8') out from the foundation wall.
- 6 3. HEIGHTS FOR SPECIALIZED STRUCTURES:
- 7 a. Agricultural structures. The maximum height limitations for an agricultural  
8 structure for agricultural uses such as a silo, granary, or barn shall be no taller  
9 than sixty (60) feet when located in the A-20 or M-1 zoning districts.
- 10 b. Rooftop features. Rooftop features are allowed by right to be four (4) feet taller  
11 than the maximum height of a structure, but shall not cover more than ten  
12 percent (10%) of the total roof area of the structure.
- 13 c. Mechanical equipment. The height limitation of this Code shall not apply to  
14 mechanical equipment, provided that the mechanical equipment does not exceed  
15 four (4) feet above the roofline of the building.
- 16 d. Wireless Communication Facilities and Public Utilities: The following structures  
17 are exempt from the general height limits enumerated in Table 2 but are subject  
18 to individual review within a required conditional use permit review: distributed  
19 power facility, wind farms, commercial wind turbine, freestanding tower, water  
20 tower, fire and hose tower, observation tower, power line tower, radio tower,  
21 paging facility, cellular phone facility, cellular tower, television tower, and bridge  
22 tower.
- 23 e. Miscellaneous structures.
- 24 i. Wind Energy Systems, or windmills supplying onsite residential or  
25 agricultural uses shall be no taller than sixty (60) feet and shall comply with  
26 all provisions of this Ordinance.
- 27 ii. Solid waste transfer stations are subject to individual review within a required  
28 conditional use permit review.
- 29 4. OBSTRUCTION OF VISION: Obstruction of vision on corner lots within 30 feet of  
30 said corner right of way shall not be permitted from two feet (2') to eight feet (8')  
31 above the finished grade of the road. Trunks of trees, openwork fences at least 70%  
32 transparent, light or telephone poles or other small vertical protrusions not more than  
33 12 inches in diameter shall be permitted within the clear-view areas.
- 34 5. MINIMUM AREA: The minimum area to be considered for approval of a mobile home  
35 park in any R-2 district shall be three (3) acres.
- 36 6. FENCES, WALLS AND HEDGES: Fences, walls, and hedges are permitted in any  
37 required yard, edge of yard, or yard property line to a height of six feet (6'); however,  
38 no fence, wall, or hedge shall be located in such manner as to obstruct the vision of  
39 corner lots as outlined above.
- 40 7. PERMITTED PROJECTIONS INTO SETBACKS (amended 12/13/2012):  
41 Underground installations such as septic tank systems and wells, walks, driveways,  
42 and retaining walls may be located in a required setback area for structures, but not  
43 within any area required by the Teton County Engineer for additional right-of-way for  
44 roads. In addition, architectural projections of buildings such as chimneys, eaves, bay  
45 windows, uncovered outside stairways, uncovered balconies, uncovered decks, and  
46 uncovered porches may extend into a required setback area not more than six (6)



feet. Lots with a designated building envelope, and lots subject to the unique setbacks specified in a Planned Unit Development are not entitled to the architectural projections listed above unless those exceptions are specifically enumerated on the subdivision's plat, recorded master plan, or development approval documents.

**08-7-6: Specific Use Standards.**

**A. Agricultural Processing Plant**

1. There shall be no retail sales on the premises;
2. The facility shall not be open to the public;
3. Health regulations shall be followed at all times;
4. All activities shall be conducted within an enclosed building;
5. Noise shall not exceed 60 decibels at the property boundaries; and
6. Odors and fumes shall not be detectable beyond the walls of the building in which the use is conducted.

**B. Animal Grooming / Training**

1. Hours of operation shall be limited to the hours of 7:00 am to 6:00 pm Monday through Saturday;
2. The sale of pet and veterinary products shall be incidental to the operation;
3. All animals shall be kept in an enclosed structure except for walking, outdoor exercise, or training when accompanied and controlled by an employee of the business;
4. An employee, or the owner, shall always be on-site when there is an animal at the facility;
5. Signage shall not exceed six (6) square feet;
6. The sales and breeding of animals are prohibited;
7. There shall be no more than three (3) animals outdoors at one time;
8. When outdoors, animals shall be leashed, except for training exercises;
9. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
10. All applicable local and state operational requirements shall be met;
11. There shall be a minimum of one (1) parking space for every employee; and
12. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

**C. Bed and Breakfast, Residential**

1. See **Chapter 8**

**D. Beekeeping**

1. The minimum parcel size shall be one (1) acre;
2. There shall be a maximum of eight (8) colonies per parcel regardless of parcel size;

3. Colonies shall be set back a minimum of 75 feet from property lines;
4. A constant fresh water source shall be located or provided on the property designed to allow bees to access water by landing on a hard surface. A water supply is not required during inactive months;
5. A four (4) to six (6) foot high barrier shall enclose the hive(s) no closer than ten (10) feet from the hive(s). The barrier may be vegetative, wall, fence, or combination thereof;
6. Combs and other discarded hive materials shall be promptly disposed of in a sealed container or placed in a building or other bee-proof enclosure;
7. Any colony exhibiting aggressive unprovoked behavior shall immediately be destroyed and re-queened with a queen bred for gentleness and non-swarmling characteristics;
8. Colonies shall be kept in hives with removable frames with adequate space and management to prevent overcrowding and swarming; and
9. Hives shall be actively maintained in usable condition or promptly disassembled.

**E. Blacksmith**

1. All activities shall be conducted within an enclosed building;
2. Outdoor storage is prohibited;
3. Hours of operation is limited to 7:00 am to 6:00 pm, Monday through Saturday;
4. Noise shall not exceed 60 decibels at the property boundaries;
5. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
6. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

**F. Building Trades Subcontractor**

1. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to **Chapter 9** and of sufficient height to hide the storage area;
2. Storage areas not readily visible from any road need not provide the screening required in "a" above; and
3. If located in the RA – Rural Agriculture zone, the subcontractor shall be a resident of the premises.

**G. Cabinet Shop**

1. All activities shall be conducted within an enclosed building;
2. Noise shall not exceed 60 decibels at the property boundaries; and
3. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

**H. Campground**

1. Access: The campground site shall have access from a principal or minor arterial.
2. Design Standards:

- a. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
  - b. A fifty foot (50') landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Those property boundaries abutting private property shall require a landscape setback of fifty feet (50') with protective fencing.
  - c. A three hundred foot (300') separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
  - d. Any outdoor speaker system associated with the campground shall comply with the noise regulations of this Ordinance.
3. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
    - a. Such uses shall be restricted in their use to occupants of the campground.
    - b. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
    - c. The structures enclosing such uses shall not be located closer than one hundred feet (100') to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.
  4. Use of Spaces; Maximum Stay: Spaces may be used by tents or temporary shelter arrangements or devices (including recreational vehicles).

**I. Cemetery**

1. All State and Federal regulations and requirements shall be met;
2. The height of structures shall not exceed 35 feet;
3. Structures shall not be closer than 100 feet to any property boundary. An aboveground mausoleum shall provide 50 feet of vegetative screening along the property lines adjoining other parcels, according to the screening standards in **Chapter 9**;
4. The minimum lot size for a cemetery is 15 acres and the minimum lot size for a mausoleum without a cemetery is five (5) acres;
5. Vehicles are prohibited from parking on an access road or drive, and one (1) parking space is required per 400 square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies;
6. Hours of operation are from dawn to dusk; and
7. Access shall be via a county or State maintained road.

**J. Clothing Manufacture**

1. All activities shall be conducted within an enclosed building;
2. There shall be no retail sales on the premises;
3. Noise shall not exceed 60 decibels at the property boundaries; and

4. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

**K. Commercial Feedlot – CAFO**

1. Any agriculture-related feeding or disposal activity as defined in Chapter 2 shall obtain the proper National Pollutant Discharge Elimination System (NPDES) permit (construction permit and operation permit) when required;
2. All livestock and poultry shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards;
3. Pens, buildings, corrals, and yards other than open pastures shall not be closer than 100 feet to any road, highway, or existing residential structure; and
4. The Confined Animal Feeding Operation (CAFO) shall be a minimum of 1,000 feet from a sinkhole, water supply well or reservoir or losing reach of a stream listed as a waterway.

**L. Composting Facility**

1. A site plan shall be submitted containing the following information:
  - a. Property boundaries;
  - b. Dimensions of the area to be used for the operation;
  - c. Location of the compost piles;
  - d. Location of any existing structures in the operating area;
  - e. Location of any proposed structures;
  - f. Distance to the property boundaries for the operation and all structures to be used for the operation;
  - g. All rights-of-way and easements on the property;
  - h. Structures off-site that are less than 200 feet from the property; and
  - i. Existing and proposed access to the operation
2. The minimum lot size for a composting operation is two (2) acres;
3. The operation of the facility is restricted to the hours between 7:00 am and 6:00 pm Monday through Saturday;
4. Access through a private subdivision is prohibited;
5. All access points to a county road or State highway shall be marked and signed to warn traffic to/from the compost facility;
6. When an existing residential dwelling is located within 200 feet of the operating area, a 100 foot buffer shall be maintained;
7. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
8. Screening, according to **Chapter 9**, shall be required when an existing residential dwelling is located within 100 feet of the operating area; and
9. The county engineer shall determine if erosion and sedimentation controls are needed.

1 **M. Construction/General Contractor**

- 2 1. All storage of machinery or equipment shall be placed in the rear or side yards of the  
3 building and screened from road views according to Chapter 9 and of sufficient  
4 height to hide the storage area;
- 5 2. Storage areas not readily visible from any road need not provide the screening  
6 required in "a" above; and
- 7 3. If located in a RA – Rural Agriculture zone, the contractor shall be resident of the  
8 premises.

9 **N. Construction Materials Sales and Service**

- 10 1. Storage of materials outdoors shall be located to the rear or in the side yards of the  
11 building and fully screened from road views according to Chapter 12 and of sufficient  
12 height to hide the storage area.
- 13 2. Seasonal sales materials may be stored outdoors in front of the building provided  
14 that:
- 15 a. Such materials shall be limited to placement adjacent to the front wall and  
16 outside of any drive, walkway, or parking area;
- 17 b. A six (6) foot minimum width walkway separate the materials from any paved  
18 drive or parking area;
- 19 c. Seasonal materials shall not be displayed, stored, or sold in the open for longer  
20 than 90 days in any calendar year;
- 21 3. The operation shall not involve the use of external speakers.

22 **O. Day Care Facility, Group**

- 23 1. All Group Day Care facilities shall be licensed by the State Prior to providing daycare  
24 for more than 6 children and shall maintain all licensure requirements.
- 25 2. A parking and/or drop-off area shall be designed entirely within the property and shall  
26 not depend upon the use of public or private roadways for parking or drop-offs. The  
27 drop-off parking area should accommodate three vehicles at one time, not including  
28 the vehicles of the residents.
- 29 3. Roadway and traffic impacts to private subdivision and/or public roads are possible  
30 and may require some proportionate mitigation as recommended by the County  
31 Engineer.
- 32 4. Group Day Care facilities located in the RA and [OTHER] residential districts shall  
33 have no sign larger than six (6) square feet, in accordance with Chapter 13.
- 34 5. Group Day Care facilities are subject to inspections by regulatory state and local  
35 agencies, including Teton County Planning Department to ensure compliance with all  
36 applicable regulations.
- 37 6. Regular hours of operation are limited to twelve hours per day.

38 **P. Dwelling, Accessory Unit**

- 39 1. An accessory dwelling unit shall be a completely separated and independent  
40 additional living unit;
- 41 2. It shall have its own kitchen, bathroom facilities, and sleeping area;

3. If detached from the primary residential unit, its appearance shall be that of the primary unit or of the same character of the neighborhood and meet the setbacks of the zoning district in which it is located; and

4. Two (2) off-street parking spaces shall be provided for the accessory unit.

**Q. Dude Ranch**

1. A dude ranch shall be located on a parcel of at least 20 acres;

2. The maximum number of guests shall be limited to one-half (.5) guests per acre;

3. Where activities require the use of public lands, the dude ranch shall abut these lands or have access to them by a recorded access agreement or easement across intervening lands or by a public road;

4. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency;

5. Central dining facilities shall be provided for guests;

6. Guest units shall not have cooking or eating facilities;

7. Up to six (6) one day events may be held per year for guests who want to visit but not stay overnight;

8. Intense recreational facilities such as a golf course or campground shall not be provided;

9. The sale of meals to persons who are not overnight guests of the dude ranch shall be prohibited, except for special events;

10. Guest units shall not be rented or sold for a dwelling unit;

11. A site plan shall be submitted that addresses the use of motorized vehicles to, from, and within the site, including description of the types of vehicles and road and trail locations;

12. Employee and guest parking shall be located entirely on-site;

13. The site plan shall also show that a minimum of 60% of the property remains as open areas; and

14. All dude ranch facilities shall be clustered to not exceed two (2) percent of the total site area and shall not be closer than 200 feet to any property boundary or county road.

**R. Emergency Service Station**

1. A site plan shall be submitted that shows there is sufficient area for buildings, required setbacks, and off street parking;

2. The site shall be in an appropriate geographical location to its service area;

3. Access is adequate to and from principal roads; and

4. Low impact screening according to Chapter 9 shall be provided and maintained along the side and rear property boundaries.

**S. Family Burial Grounds**

1. Purpose. The State of Idaho has declared that the maintaining, improving, and beautifying of cemeteries for the human dead is one of the first considerations of a

civilized people, and that it is a public benefit, use, and purpose. Because there are citizens of Teton County who desire to maintain the remains of their loved ones on their own property and not in a public cemetery, it is also a public benefit, use and purpose to provide a method to maintain, improve, and beautify private family burial grounds.

2. Composition. Family burial grounds shall consist of a lot or portion thereof, containing a burial plot for earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of one or more of the above. No family burial ground is to be used for any purpose other than as a repository for human remains, for religious observances, or for contemplation and reflection. Family burial grounds are not deemed to be equivalent to rural cemeteries as defined in I.C. Title 27 Chapter 2.
3. Recording and Notice Requirements. Family burial grounds shall be laid out and described specifically, by metes and bounds or otherwise, so as to give appropriate notice to lien holders, successors in title, and the public at large, on the deed of record for any lot containing a family burial grounds. The owner of the lot or parcel containing the family burial grounds shall record such deed prior to any interment of human remains thereon. If a lot or parcel containing family burial grounds is sold, the seller of the property must disclose to the buyer the existence of the family burial grounds.
4. Responsibility. The owner of any property which contains part or all of a family burial ground has the responsibility for maintaining the property in a manner that is respectful of the memory of the persons whose remains are interred thereon. The responsibility to maintain the family burial grounds runs with the land, and the owner may not be relieved of that responsibility until and unless the family burial ground is disestablished. The responsibility to maintain the family burial grounds extend to successors in title regardless of whether the existence of the family burial grounds was recorded, so long as human remains are interred thereon.
5. Setbacks, Consent and Code Requirements. All family burial grounds shall meet the following requirements, prior to the time that any human remains shall be buried or placed therein:
  - a. No family burial grounds shall be laid out within twenty (20') feet of the boundary line of any lot or parcel, nor within one hundred (100') feet of any dwelling house, hospital or other medical facility, food or beverage processing plant, restaurant, store or other place of business, without the written consent of the owner of the affected property.
  - b. Regardless of consent, no family burial grounds shall be laid out within fifty (50') feet of any existing well providing water for either human or animal consumption, or within fifty (50') feet of the high-water mark of any spring, stream, lake, reservoir or other known source of water, or within one hundred (100') feet of any schoolhouse or school lot, or within fifty (50') feet of any dwelling house, hospital or other medical facility, food or beverage processing plant, restaurant, store or other place of business, or within fifty (50') feet of the right-of-way of any highway.
  - c. Construction of a mausoleum, columbarium, or any monument or other grave marker on a family burial ground shall comply with all applicable building code requirements.

- d. All uses made of a family burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).
6. Standards for Interment and Removal. Each interment or removal of human remains in a family burial grounds shall meet the following standards:
- a. No interment or removal of human remains in a family burial ground may occur except under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.
- b. Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than two (2') feet below the surface of the ground.
- c. Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred, but placement may be delayed for a reasonable length of time for religious reasons.
7. Disestablishment of Family Burial Grounds. A family burial ground, once established, may be disestablished by the owner of the property. To disestablish a family burial grounds, the owner must do all of the following:
- a. Arrange to remove and properly re-inter any human remains interred in the family burial grounds.
- b. Remove any markers or monuments that indicate the presence of human remains.
- c. Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the family burial grounds.
- d. File a new deed of record indicating that the family burial ground has been disestablished.
8. Penalties. Violation of any provision of this Article is a misdemeanor and is punishable by a fine of up to three hundred (\$300.00) dollars, by incarceration in the Teton County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Pursuant to I.C. Section 19-5304, the court may order a prior owner of land who did not record the existence of a family burial grounds on that the land and who did not disclose the existence of the family burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinterment of any human remains thereon.

**T. Furniture / Fixtures Manufacture**

1. All activities shall be conducted within an enclosed building;
2. There shall be no retail sales on the premises;
3. Noise shall not exceed 60 decibels at the property boundaries; and
4. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

**U. Heavy Equipment Sales Lot**



1. Vehicles shall be stored within an enclosed building except as provided below;
2. All outdoor storage shall secure behind six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
3. Side and rear property boundaries shall be screened;
4. Equipment or materials stored outdoors shall not protrude above the screening;
5. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of this Ordinance;
6. The site shall include an adequate off-street loading/unloading area;
7. Equipment stored on-site shall be contained in a paved or gravel area separate from the required parking spaces;
8. No equipment shall be parked in any landscaped screening area on the property or within a road right-of-way;
9. Driveways, parking lots, and loading/unloading areas shall be paved;
10. Boats shall not be repaired on the site;
11. All maintenance services shall be conducted entirely within an enclosed building;
12. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 9;
13. No gasoline or fuel of any kind shall be sold or dispensed on the site;
14. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
15. All inoperable, dismantled, or damaged equipment shall be located entirely within an enclosed building at all times;
16. The site shall be attended on days of operation; and
17. The use of loud speakers or other exterior amplification devices shall be prohibited.

**V. Home Occupations**

1. See Chapter 8

**W. Kennel / Boarding / Pet Daycare**

1. A site plan shall be submitted along with the application for a Permitted with Conditions permit and shall contain:
  - a. Property boundaries;
  - b. Dimensions of the area to be used for the kennel operation;
  - c. Location of the kennels and runs;
  - d. Location of any existing structures in the kennel area;
  - e. Location of any proposed structures;
  - f. Distance to the property boundaries for the kennels and runs and all structures to be used for the operation;
  - g. All rights-of-way and easements on the property;

- h. Structures off-site that are less than 200 feet from the property; and
  - i. Existing and proposed access to the kennel operation;
2. The minimum lot size for a kennel operation shall be two and one-half (2 ½) acres;
  3. The maximum number of adult animals (over six months of age) kept on the property at any time shall be six (6);
  4. The outdoor runs and boarding areas may operate 24 hours per day, seven days a week;
  5. Where indoor grooming is performed and/or pet supplies are being sold, the structure containing this part of the operation shall be limited to being open between the hours of 7:00 am and 6:00 pm Monday through Saturday;
  6. The sale of pet or veterinary products shall be incidental to the kennel business;
  7. Veterinary care shall be incidental to the kennel operation;
  8. An employee or the owner shall always be on-site when there is an animal at the facility;
  9. When outside an enclosed building, coop, or run, animals shall be accompanied and controlled by an employee of the kennel;
  10. Access through a private subdivision is prohibited;
  11. When an existing residential dwelling is located within 200 feet of the kennel operating area, a 100 foot buffer shall be maintained;
  12. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
  13. Screening, according to Chapter 9, shall be required when an existing residential dwelling is located within 100 feet of the kennel operating area;
  14. All county and State permits shall be displayed on the site; and
  15. Animal waste shall be picked up on a daily basis and disposed of in a proper manner following Idaho Code Title 39 if applicable.

**X. Landscaping Contractor/Business**

1. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 9 and of sufficient height to hide the storage area;
2. Storage areas not readily visible from any road need not provide the screening required in "1" above; and
3. If located in a RA – Rural Agriculture zone, the contractor shall be a resident of the premises.

**Y. Lumber Yard**

1. All storage of materials outdoors shall be located to the rear or side yards of the building and fully screened from road views according to Chapter 9 and of sufficient height to hide the storage area;
2. There shall be provided and maintained a minimum six (6) foot high opaque fence with low impact screening according to Chapter 9 along the side and rear property boundaries;

3. There shall be no manufacture or fabrication of lumber products or sawmill operations;
4. There shall be no storage or sale of firewood; and
5. The operation shall not involve the use of external speakers.

**Z. Manufactured Home Parks and Individual Siting**

1. Single Ownership. As permitted herein, manufactured home parks must be under single ownership. The manufactured home park cannot be a subdivision or condominium, and may not individually sell, assign, or deed a manufactured home space to any other.
2. Short-Term Occupancy. Manufactured home parks which permit short term (less than one month) occupancy shall be classified as commercial rather than residential use.
3. Opaque Skirt. The area between the ground level and floor level of the unit shall be screened by an opaque skirt.
4. Open Space. The manufactured home park shall have a minimum of 25 percent of its gross land area in open space as defined in this Ordinance.
5. Density. Overall density of four (4) spaces per acre is permitted. If open space is increased to 50 percent of the gross land area, overall density of six (6) spaces per acre shall be allowed. However, the overall density of the manufactured home park shall be determined by the physical and service constraints of the parcel being considered, and the compatibility of the proposed mobile home park with surrounding application.
6. Minimum Size of Space. The minimum width of each space shall be 50 feet.
7. Automobile Storage. A minimum of two (2) off street auto parking spaces, which may be in tandem, for each mobile home space, and at least one (1) additional off street parking space for guest parking for each four mobile home spaces within the park.
8. Manufactured Home Park Improvements. The following improvements shall be provided in all manufactured home parks before any unit is offered for lease, leased, or occupied.
  - a. A central water system designed, constructed, and installed in compliance with state standards, and capable of providing adequate flows throughout the park;
  - b. A central sewage disposal system designed, constructed, and installed in compliance with state standards;
  - c. Underground electric power and telephone connections for each unit and, where available, cable
  - d. Solid waste collection containers, in compliance with the performance standards of this Ordinance.
  - e. Drained and graded paved roads, as specified in County Road Standards;
  - f. Sidewalks or improved paths, as determined by the Administrator, along all roads;
  - g. Street signage at all intersections; and
  - h. Any other improvement required for compliance with this Ordinance

1                   9. Large Scale Applications. Large manufactured home parks may be subject to the  
2                   additional requirements imposed on large-scale Applications. All required  
3                   improvements should be installed and maintained in compliance with the  
4                   performance standards of this Ordinance.

5                   10. Placement Standards. The siting requirements of Paragraph AA, below, must be met.

6   **AA.    Manufactured/Mobile Home Siting**

7                   1. Permanent Siting. “Manufactured Housing” and “Mobile Homes,” as defined by Idaho  
8                   Code Section 39-4105, when located outside of a mobile home or manufactured  
9                   home park with County accepted alternative requirements, shall meet the following  
10                  aesthetic and placement standards:

11                  a. Permanent Siting Standards. Unless specifically exempted, the manufactured  
12                  home shall be placed in accordance with the State of Idaho adopted setup  
13                  standards for a permanent type foundation and completely enclosed at the  
14                  perimeter.

15                  b. Minimum Roof Pitch. The manufactured home shall have a pitched roof slope of  
16                  not less than 3:12.

17                  c. Design Standards. The manufactured home shall have exterior skirting and  
18                  roofing which in color, material, and appearance, is comparable to the  
19                  predominant materials used on said structure and in harmony with the  
20                  surrounding built environment.

21                  d. Zoning Standards. Manufactured and mobile home housing is subject to all  
22                  zoning, setbacks, minimum lot size, and sanitary requirements of this Ordinance,  
23                  unless located inside an approved Manufactured Home Park.

24                  e. Mobile Homes are not Manufactured Homes. Mobile homes as defined in Idaho  
25                  Code 39-4105, may only be permanently located in mobile home parks.  
26                  Exceptions to this requirement may be granted with a qualifying family-related  
27                  health or other qualifying emergency as outlined in Paragraph 2, below.

28                  2. Temporary Use Permits. One Mobile or Manufactured Home may be properly  
29                  installed and temporarily located on a rural parcel outside of a mobile home park or  
30                  platted subdivision for the following purposes:

31                  a. Board Granted Assisted Care or Emergency. A Temporary Use Permit may be  
32                  issued for the purpose of accommodating a family-related health or other  
33                  qualifying emergency. A property owner serving as the primary caregiver to a  
34                  parent, grandparent, or family member would qualify. The Temporary Use Permit  
35                  for this purpose is approved directly by the Teton County Board after application  
36                  to the Planning and Building Department.

37                  b. Administrative Temporary Dwelling. A Temporary Use Permit may be issued for  
38                  the purpose of a temporary dwelling during the approved, permitted construction  
39                  of a new dwelling. The Temporary Use Permit for this purpose is an  
40                  administrative permit approved by the Administrator after application to the  
41                  Planning and Building Department.

42                  c. Temporary Siting Standards. The mobile or manufactured home shall be placed  
43                  in accordance with the State of Idaho adopted setup standards for a temporary  
44                  type foundation and completely enclosed at the perimeter.

- d. Building Permit Required. The Temporary Use Permit, whether Board granted or administratively, must be issued in conjunction with a valid building permit for the placement of the mobile or manufactured home, and is considered revoked when the approved use terminates. The mobile or manufactured home must be removed from its temporary installation no later than three months after the permitted use is discontinued.
- e. Limited Validity. Temporary Use Permits are valid for one year and are annually renewable if the necessity continues.

**BB. Manufacturing, Industrial**

1. All activities shall be conducted within an enclosed building;
2. There shall be no retail sales on the premises;
3. Noise shall not exceed 60 decibels at the property boundaries; and
4. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

**CC. Manufacturing, Light**

1. All activities shall be conducted within an enclosed building;
2. There shall be no retail sales on the premises;
3. Noise shall not exceed 60 decibels at the property boundaries; and
4. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted;

**DD. Plant Nursery / Greenhouse**

1. Customer parking shall be provided and paved with either asphalt or concrete;
2. Employee parking shall be either paved or gravel;
3. Vehicles, nursery product, and other materials shall not be located in the road right-of-way;
4. Structures shall be in compliance with Building Codes;
5. Greenhouses shall be located a minimum of 50 feet from road rights-of-way and from any property zoned or used for residential purposes;
6. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the side yards of a building (if applicable) and screened from road views.

**EE. Recreational Vehicle (RV) Park**

1. Single Ownership. As permitted herein, recreational vehicle parks must be under single ownership. The recreational vehicle park cannot be a subdivision or condominium, and may not individually sell, assign, or deed a recreational vehicle space to any other.
2. Incidental Accessory Uses. A recreational vehicle park may include incidental accessory uses operated for the convenience of recreational vehicle park occupants. No incidental use shall be permitted unless approved as part of the approval of the recreational vehicle park. Incidental uses permitted may include the following:
  - a. Dwellings for owner and/or managers and staff,

- b. Office,
  - c. Laundry,
  - d. Showers and rest rooms,
  - e. Indoor and outdoor recreational facilities,
  - f. Sales of items related to maintenance and operation of recreational vehicles,
  - g. Assembly rooms, and
  - h. Boat storage and launching.
3. Park Size and Density. Overall density of not more than eight (8) spaces per acre shall be allowed for Vacation Recreational Vehicle Parks or Extended Occupancy Parks. No parcel of land containing less than five (5) acres may be used for the application and operation of a recreational vehicle park.
  4. Open Space. Each recreational vehicle park shall have a minimum of 25 percent of its net area in open space.
  5. Signs. All sign shall comply with the standards in **Chapter 13, Signs**.
  6. Trash Removal. A trash removal plan shall be submitted at the time of application. Plan must include the type of trash removal system; location, size, and number of trash receptacles; and frequency of removal. Trash bins shall be fully screened and inaccessible to wildlife.
  7. Drainage. The park shall be so graded that there will be no depressions in which surface water shall accumulate.
  8. Sanitary Facilities.
    - a. In parks constructed for dependent vehicles: one toilet, one shower, and one lavatory for each sex for fifteen (15) dependent recreational spaces.
    - b. In parks constructed for independent recreational vehicles: one toilet, one shower, and one lavatory for each sex for each twenty-five (25) independent recreational vehicle spaces.
    - c. Recreational vehicle parks, which do not provide sanitation stations, shall be designed to receive the discharge from the sewage holding tanks of recreational vehicles. All sewage disposal systems to be in compliance with state standards.
  9. Size of Space. The minimum area of each recreational vehicle space shall be one thousand two hundred fifty (1,250) square feet.
  10. Individual Space Improvements. Recreational vehicle sites and driveways shall be of crushed stone, grass or similar material so as to provide level surface for recreational vehicle parking. Parking space shall be provided for each recreational vehicle site not less than nine (9) feet by twenty-five (25) feet in size. The parking space may be part of the driveway into or through the site.
  11. Water Services. Each dependent recreational vehicle space shall be provided with a water service outlet in compliance with state standards.
  12. Utility Services. All utility services within the recreational vehicle park including, but not limited to, electrical, telephone, and television services, shall be underground.
  13. Large Scale Applications. Large Recreational Vehicle Parks may be subject to the additional requirements imposed on large-scale Applications. All required

improvements shall be installed and maintained in compliance with the performance standards of this Ordinance.

**FF. Residential Business**

1. See Chapter 8

**GG. Residential Care Facility**

1. See Chapter 8

**HH. Riding Academy**

1. There shall be no more than six (6) special events per year associated with the riding academy, including shows, clinics, or contests;
2. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
3. Manure piles:
  - a. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
  - b. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
  - c. May be composted if the operation meets all local, state, and federal requirements for composting; and
  - d. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
4. Bathroom facilities shall be provided meeting the requirements of the State of Idaho;
5. Customer visits and deliveries to the property shall be limited to the hours of 7:00 am to 8:00 pm daily;
6. All parking shall be off-street and on-site, spaces screened from view of neighboring properties following Chapter 9, and customers shall not be allowed to park in the front yard;
7. The number of horses boarded on the site shall be limited to three (3) per acre of the riding academy area;
8. All applicable local, state, and federal requirements shall be met, including health and fire protection;
9. There shall be no permanent outside speakers or sound systems; and
10. All lighting illuminating the outdoor riding area shall be turned off no later than 8:00 pm and comply with this Ordinance.

**II. Riding / Training Stable**

1. The minimum parcel or lot area shall be two and one-half (2 ½ ) acres, which includes two animal units, and two (2) acres for each additional animal unit;
2. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;

3. Manure piles:
  - a. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
  - b. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
  - c. May be composted if the operation meets all local, state, and federal requirements for composting; and
  - d. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
4. All points on the perimeter of any stable building and/or corral shall be at least 50 feet from the nearest parcel boundary line or right-of-way line of the parcel on which it is located; and
5. There shall be no more than one (1) such stable operation/facility allowed per parcel.

**JJ. Sheet Metal Fabrication Shop**

1. All activities shall be conducted within an enclosed building;
2. Noise shall not exceed 60 decibels at the property boundaries; and
3. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.
4. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

**KK. Storage Facility**

1. A site plan shall be submitted that includes detailed information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
2. The activity shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or approved alternative;
3. Any such fence or wall shall:
  - a. Have a height adequate to obscure all parts, supplies, or other items from normal view of the public;
  - b. Have a height of at least eight (8) feet;
  - c. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
  - iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
  - e. Existing site features that provide complete visual screening may be an alternative to constructing a new fence or wall;
4. Storage shall not exceed the height of the approved fence or wall; and
5. Materials (boats, equipment, goods) shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, wall, or alternative screening, or within a road right-of-way.



**LL. Storage Units**

1. The use shall be conducted entirely within a non-combustible building or area screened on all sides;
2. Any such screening shall:
  - a. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
  - b. Have a height of at least eight (8) feet;
  - c. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood;
  - d. Be maintained so as to ensure the health, safety, and welfare of the public are preserved;
  - e. Existing site features that provide complete visual screening may be used;
3. Storage shall not:
  - a. Exceed the height of the screening;
  - b. Be loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building or screened area, or within a road right-of-way;
4. The site shall include an adequate off-street loading/unloading area;
5. Storage on the site must be contained in a paved or gravel area separate from required parking spaces;
6. No vehicles shall be parked in any landscape area on the property or within the road right-of-way; and
7. Driveways, parking lots, and loading/unloading areas shall be paved.

**MM. Storage Yard**

1. Where the actual or proposed storage of materials meets the technical definition of a storage yard, as determined in writing by the Planning Administrator, all storage of machinery, equipment, scrap material, or other items shall be reasonably screened year round from public roads, including subdivision roads, and from abutting residential structures. The screening shall also be of sufficient height to hide the storage materials. Depending on the type and amount of materials being stored, and the proximity to nearby residences, the Planning Administrator may require that the screening standards in **Chapter 9** be applied to a given storage yard.
2. In the RA – Rural Agriculture, storage yards not readily visible from any road or residential lot need not provide the screening required in “1” above.
3. The types of materials being stored are subject to review and inspection to determine if there are risks they might cause ground water contamination, fugitive dust, odors, fumes, or pose a fire hazard. Consultation and approval by the Fire District and/ or Idaho Department of Environmental Quality may be a condition of issuance of a permit for a storage yard.
4. No storage of uncovered items are permitted that might reasonably be blown away by the wind.

5. The square footage of area that the storage yard may occupy is subject to restrictions based on the site-specific characteristics of the location, the screening and proximity to residential lots.

**NN. Transient Rental**

1. See Chapter 8

**OO. Utility Building and Services**

1. The building or premises shall be enclosed and the appearance shall be in keeping with the neighborhood.
2. Screening according to Chapter 9 shall be provided and maintained.

**PP. Vehicle Body Shop (M-1)**

1. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
2. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;
3. Any storage areas shall be paved;
4. The shop station shall be located within 500 feet of a county classified principal or major collector road;
5. All activities shall be conducted within an enclosed building or fully screened area;
6. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 9 of this ordinance. No screening shall be required when facing a road;
7. Noise shall not exceed 60 decibels at the property boundaries;
8. Shop buildings shall be adequately vented;
9. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;
10. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
11. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

**QQ. Vehicle Repair Shop**

1. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
2. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;
3. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle.
4. The shop/service station shall be located within 500 feet of a county classified principal or major collector road;
5. All activities shall be conducted within an enclosed building or fully screened area;

6. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 9 of this ordinance. No screening shall be required when facing a road.
7. Noise shall not exceed 60 decibels at the property boundaries;
8. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;
9. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
10. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

**RR. Vehicle Sales Lot (M-1)**

1. The site shall include an adequate off-street loading/unloading area;
2. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle;
3. All vehicles on the sales lot shall be in operational condition at all times;
4. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
5. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
6. Driveways, parking lots, and loading/unloading areas shall be paved;
7. All maintenance services shall be conducted entirely within an enclosed building;
8. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 9;
9. No gasoline or fuel of any kind shall be sold or dispensed on the site;
10. All applicable local, State, and Federal regulations and requirements shall be met;
11. All dismantled or damaged vehicles shall be located entirely within an enclosed building at all times;
12. The site shall be attended on days of operation; and
13. The use of loud speakers or other exterior amplification devices shall be prohibited.

**SS. Vehicle Storage**

1. Vehicles shall be stored within an enclosed building except as provided below;
2. All outdoor storage shall be secure behind a six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
3. Side and rear property boundaries shall be screened;
4. Vehicles or materials stored outdoors shall not protrude above the screening;
5. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of this Ordinance;
6. The site shall include an adequate off-street loading/unloading area;

7. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
8. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
9. Driveways, parking lots, and loading/unloading areas shall be paved;
10. Boats and recreation vehicles may be maintained on site, but shall not be repaired on site;
11. All maintenance services shall be conducted entirely within an enclosed building;
12. Maintenance facilities or bays shall be oriented so the access doors for vehicles do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum of a 30 foot landscape buffer;
13. No gasoline or fuel of any kind shall be sold or dispensed on the site;
14. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
15. All inoperable, dismantled, or damaged vehicles shall be located entirely within a building at all times;
16. The site shall be attended on days of operation; and
17. The use of loud speakers or other exterior amplification devices shall be prohibited.

**TT. Vehicle Wash**

1. There shall be no outdoor overnight parking or storage of vehicles, equipment, or materials;
2. No queuing of vehicles shall be allowed in a road right-of-way;
3. Vehicles shall not be parked on any road;
4. Drives shall be paved;
5. There shall be no body work or repairs conducted at the facility;
6. Convenient and accessible trash enclosures shall be provided;
7. Dumpsters shall be screened by an enclosure so as not to be seen from a road;
8. The facility shall be connected to a sanitary sewer;
9. Noise shall not exceed 60 decibels at the property boundaries; and
10. The premises shall be kept free of weeds, trash, and debris.

**UU. Veterinary Clinic**

1. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
2. All applicable local and state operational requirements shall be met;
3. There shall be a minimum of one (1) parking space for every employee; and
4. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

**VV. Warehouse and Distribution**

1. There shall be no retail sales on the premises;
2. The main warehouse and distribution building shall not exceed 35,000 square feet; and
3. A traffic plan approved by the Planning Administrator shall be required.

**WW. Waste Material Resale Store**

1. The use shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or complete visual screening;
2. The fence, wall or screening shall:
  - a. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
  - b. Have a height of at least eight (8) feet;
  - c. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
  - d. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
3. Buildings shall be set back 100 feet from all property lines;
4. Waste resale materials shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building, fence, wall, screening, or within road rights-of-way;
5. A site plan shall be submitted that details information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
6. Waste resale materials must be contained in a paved or gravel area separate from the parking, driveway, loading, or unloading spaces;
7. Vehicles shall not be parked in any landscape or screening on the property or within a road right-of-way;
8. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or adversely affect adjoining properties;
9. The site shall be attended on days of operation;
10. The use of loud speakers or other amplification device shall be prohibited;
11. The hours of operation shall be limited to the hours of operation of the transfer station; and
12. Steps shall be taken to ensure materials are not carried onto adjoining properties by the wind or rain.

**XX. Water Supply or Treatment Facility**

1. The site shall be in an appropriate geographical location to its service area; and
2. Low impact screening according to Chapter 9 shall be provided and maintained along the side and rear property boundaries where above-ground facilities are within 100 feet of the property boundary.

**YY. Welding/Machine Shop**

1. All activities shall be conducted within an enclosed building that provides shielding of sparks and welding light from public view;
2. Outdoor storage is prohibited;
3. Hours of operation is limited to 7:00 am to 7:00 pm, Monday through Saturday;
4. No recharging of welding tanks shall be allowed on site;
5. The operation is limited to welding and metal fabrication;
6. Noise shall not exceed 60 decibels at the property boundaries;
7. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
8. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

**ZZ. Wildlife Facility**

1. The minimum parcel or lot area shall be two and one-half (2 ½ ) acres;
2. All piles of feed or bedding shall be located at a minimum of 50 feet from any road right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
3. Manure piles:
  - a. Shall be stored for removal within an enclosure a minimum of 40 cubic feet in size;
  - b. Shall be removed from the premises at least one (1) time per week and/or applied to an agricultural field meeting all local, State, and Federal requirements for land application;
  - c. May be composted if approved by the Soil and Water Conservation District and is in compliance with this Title; and
  - d. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
4. All buildings and pens shall be at least 50 feet from the nearest parcel boundary line or right-of-way line; and
5. There shall be no more than one (1) such wildlife game farm operation/facility allowed per parcel.

**AAA. Wind Energy System**

1. A site plan shall be submitted that details the site conditions, topography, and proposed system location including setbacks from property boundaries, road rights-of-way, and easements;
2. An architectural rendering looking from the nearest county road and state highway shall be submitted;
3. Standard engineering drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundation, as provided by the manufacturer, shall be submitted;
4. The wind energy system shall be certified under the small wind certification program recognized by the American Wind Energy Association;

5. The system shall be set back a minimum of the tower height plus the length of one blade (i.e. the turbine's total height) from a property boundary, utility line, or road right-of-way;
6. Sound produced by the turbine under normal operation conditions shall not exceed 60 decibels at the property boundary (sound levels may be exceeded during short-term events such as utility outages or severe windstorms);
7. Tower supports (i.e. guy anchors), if any, shall be at least ten (10) feet from any property boundary;
8. The system shall not be located where a portion of the system is visible above a ridgeline from the nearest county road or state highway. Where a system is not located on a ridgeline and will be visible from the nearest county road or state highway, the tower (pole) shall not be taller than 60 feet determined from the grade of the fixed portion of the tower, excluding the turbine;
9. Commercial markings, messages, or banners on the turbine or tower (pole) are prohibited;
10. The turbine or tower shall not be illuminated;
11. The entire system shall be all one neutral non-reflective color;
12. Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected system. The utility company has 30 days to comment from the sent date, prior to permit issuance by the county. Off-grid systems are exempt from this requirement (should the utility company have concerns that cannot be addressed to the satisfaction of the Planning Administrator, the application will need to be processed as a conditional use request);
13. All other local and State permits shall be secured prior to issuance of a Permitted with Conditions permit, including an electrical permit from the Division of Building Safety and a building permit from the County's Planning Department;
14. There shall be no more than one (1) wind energy system per parcel; and
15. Minimum parcel size shall be 2.5 acres.

### **BBB. Winery**

1. A winery and/or a winetasting room may be allowed as accessory uses for an agricultural property engaged in growing or cultivating grapes or other fruits from which wine is made. Winetasting rooms shall not be allowed in an industrial base district.
2. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
3. Retail sales are limited to wine and related nonfood items when the use is located within a rural district.
4. A restaurant associated with a winery operation may be permitted as a conditional use in the **rural base districts**, subject to the following standards:
  - a. Notwithstanding other provisions of this Ordinance, signs for a restaurant approved as a conditional use shall be regulated through conditions of approval.
  - b. The restaurant shall be located on the same property as the winery.

### **CCC. Wood Products**

1. Storage of materials outdoors shall be located to the rear or in the side yards of the building and fully screened from road views according to Chapter 9 and of sufficient height to hide the storage area; and
2. Seasonal materials may be stored outdoors in front of the building provided that:
  - a. Such materials shall be limited to placement adjacent to the front wall and outside of any drive, walkway, or parking area;
  - b. A six (6) foot minimum width walkway separate the materials from any paved drive or parking area;
  - c. Seasonal materials shall not be displayed, stored, or sold in the open for longer than 90 days in any calendar year.

## **CHAPTER 8 Residential Business Use Standards**

**08-8-1:** What this Chapter Does. Recognizing the desire of some citizens to use their residence for business activities, Teton County supports low-impact home business uses as an economic development tool to facilitate the economic health of the community. These performance standards are minimum requirements to permit limited business or commercial use and activity in a residential dwelling or allowed accessory building without requiring a zone change or conditional use permit, while assuring that the use or activity does not diminish the overall character of the neighborhood or the general health, welfare, and safety of the County.

**08-8-2:** Scope. The provisions of this Chapter apply to the owners and operators of any home-based occupation, home-based business, home-based care facility or group home, or home-based lodging in any Rural zone.

**08-8-3:** Permit Required. Except as provided for herein, approved residential businesses or lodgings require a residential business/lodging permit based on the specific acceptable use, subject to the time limitations and other restrictions of Chapter 3 of this Ordinance and this Chapter.

**08-8-4:** Acceptable Uses. Subject to the restrictions of this Chapter and this Ordinance, the following uses may qualify for a residential business or lodging permit (Industrial uses do not qualify for home occupation):

- A.** Home Occupation (08-8-9)
- B.** Residential Business (08-8-10)
- C.** Residential Care Facility or Group Home (08-8-11)
- D.** Transient Rental, Bed and Breakfast, Lodge, Small Hotel, or Motel (08-8-12)

**08-8-5:** Unacceptable Uses. The following uses are not incidental to or compatible with residential activities, and are expressly prohibited:

- A.** Adult oriented establishment;
- B.** Animal hospitals and large kennels;
- C.** Funeral homes and mortuaries;



- 1     **D.**     Medical and dental offices, clinics, and laboratories;
- 2     **E.**     Mini storage;
- 3     **F.**     Pest control;
- 4     **G.**     Pool cleaning;
- 5     **H.**     Restaurants, except as attached to bed & breakfast lodging (**8-8-12**);
- 6     **I.**     Sale of firearms;
- 7     **J.**     Storage of equipment, materials, and other accessories to the construction and service
- 8         trades;
- 9     **K.**     Any other use determined by the Administrator to be not incidental to or compatible with
- 10       residential activities; or any other use which violates any applicable law.
- 11   **08-8-6:**     Conditions of Approval. Approval of a residential business/lodging permit does
- 12       not change any requirement of this Ordinance applicable to the dwelling to which
- 13       it is accessory, including all requirements of the adopted residential building
- 14       codes and public health codes. Where any requirement of this Chapter differs
- 15       from that of this Ordinance, the more restrictive requirement shall prevail.
- 16   **08-8-7:**     Permit Duration. A residential business/lodging permit shall be valid for two (2)
- 17       years from the date of approval. A permit may be renewed for an additional two
- 18       (2) years with the payment of a renewal fee as published and amended along
- 19       with the submission of the renewal application and all applicable forms and
- 20       reports.
- 21   **08-8-8:**     General Provisions
- 22   **A.**     Water. Applicant must demonstrate an adequate and continuing supply of safe drinking
- 23       water for all areas served by a Residential Business/Lodging permit.
- 24       1.   Municipal Water. If Applicant's dwelling is served by a municipal water service,
- 25         Applicant must submit written evidence from the water service provider that the
- 26         service account is in good standing and of adequate service capacity for the
- 27         proposed home business or lodging use. This verification is required to be updated
- 28         and submitted with any renewal application.
- 29       2.   Well Water. If Applicant's dwelling is served by either a private or community well,
- 30         Applicant must submit the results of a water sample test from a professional water
- 31         testing service or laboratory of water drawn from inside the dwelling. This test must
- 32         be performed immediately prior to each renewal period, with a copy of the lab report
- 33         submitted with the renewal application. The test shall demonstrate that the water is
- 34         potable and safe to drink according to the standards published by the U.S.
- 35         Environmental Protection Agency.
- 36       3.   Corrective Action. If water sampling demonstrates that water is unsafe to drink,
- 37         Applicant must work with the Eastern Idaho Public Health District to attempt to
- 38         correct the deficiency before a permit will be issued.
- 39       a.   Alternative Sourced Water. If the main water supply cannot be corrected to
- 40         deliver safe drinking water, an alternative source of safe drinking water may be
- 41         provided to meet the requirements of this section. Bottled potable water delivery
- 42         is an acceptable alternative source.

**B. Sewer or Septic. Applicant must demonstrate an adequate and continuing capacity for wastewater disposal based on the proposed residential business or lodging use.**

1. Sewer. If Applicant's dwelling is served by a municipal sewer system, Applicant must submit written evidence from the sewer service provider that the service account is in good standing and of adequate service capacity for the proposed residential business or lodging use. This verification is required to be updated and submitted with any renewal application.
2. Septic. If Applicant's dwelling is served by either a private or community septic system, Applicant must submit the results of both a "condition" evaluation and a "capacity" evaluation, as explained below. The condition evaluation must be performed immediately prior to each renewal period, with a copy of the inspector's report submitted with the renewal application. The condition or capacity of the septic system may limit the proposed uses available under a residential business/lodging permit.
  - a. Individual/Subsurface Sewage Disposal Rules. Based on published rules from the Idaho Department of Environmental Quality (IDAPA 58.01.03), Teton County has determined daily wastewater capacity requirements for approved uses in this Appendix, based on gallons per day (GPD).
    - i. Home Occupations: Unregulated.
    - ii. Residential Businesses: 250 GPD per dwelling (1-3 bedrooms), plus 50 GPD per additional bedroom (4+ bedrooms), plus 20 gallons per day (GPD) per non-resident employee.
    - iii. Residential Care Facilities/Group Homes: 40 GPD per resident / resident staff, plus 15 GPD per non-resident staff.
    - iv. Transient Rental Lodging: 40 GPD per person.
  - b. Condition Evaluation. [RESERVED].
  - c. Capacity Evaluation. Teton County will only accept an evaluation from Eastern Idaho Public Health District stating the rated peak and continuous capacity of the installed septic system, which is included on all septic installation permits. This capacity rating will be used to determine the maximum allowable guest occupancy or employee count for an approved residential business or lodging permit. An Applicant may retrofit or replace a septic system to achieve higher capacity and upon installation verification by Eastern Idaho Public Health District, the residential business or lodging permit will be amended without charge, as long as the proposed amended use remains in the same permit class as the previously granted permit.
    - i. Septic tank capacity shall be equal to two (2) times the average daily flow as determined from the daily wastewater flow per person for each permitted use.
    - ii. Drainfield capacity shall be verified by Eastern Idaho Public Health District as correspondent to the septic tank capacity and adequate for the site conditions.
    - iii. Drainfield area shall be verified by Eastern Idaho Public Health District as sufficient to construct two (2) complete drainfields, with one serving as a backup to the other in the event of primary drainfield failure.

1 **C. Fire Protection.**

- 2 1. Smoke Detectors. The Applicant shall be responsible for installing, testing, and  
3 maintaining smoke detectors specific to the proposed residential business or lodging  
4 use, per manufacturer's instructions and as required by code. All detectors shall be  
5 tested semi-annually per the manufacturer's instructions. Specific guidelines for  
6 proper installation and maintenance can be obtained from the Teton County Planning  
7 and Building Department or the local fire department.
- 8 a. Applicability. Smoke detectors are required for every residential business/lodging  
9 permit.
- 10 b. Installation. Approved, listed, labeled and operable smoke detectors must be  
11 minimally located inside each sleeping room and at the top of each stairway in a  
12 manner consistent with the manufacturer's recommendations, and in all other  
13 places required by adopted building code of Teton County.
- 14 2. Carbon Monoxide Detectors. The Applicant shall be responsible for installing, testing,  
15 and maintaining carbon monoxide detectors specific to the proposed home  
16 occupancy use, per manufacturer's instructions. All detectors shall be tested semi-  
17 annually per the manufacturer's instructions.
- 18 a. Applicability. Carbon monoxide detectors are required if Applicant's property is  
19 heated with fossil fuel, has a fuel-fired appliance, has a fireplace, or has an  
20 attached garage.
- 21 b. Installation. Carbon monoxide detectors must be installed within 15 feet of the  
22 entrance to each bedroom, sleeping area, rest area, break room, or other room  
23 or space used for sleeping purposes.
- 24 c. Power Source. Carbon monoxide detectors must be installed in one of the  
25 following methods:
- 26 i. Wired directly into the home's electrical system.
- 27 ii. Directly plugged into an electrical outlet. This outlet must be unswitched.
- 28 iii. Battery powered alarms can be attached to a wall or ceiling, in accordance  
29 with National Fire Protection Association Standard 720.
- 30 3. Fire Extinguishers. The Applicant shall be responsible for installing, testing, and  
31 maintaining fire extinguishers specific to the proposed home occupancy use, per  
32 manufacturer's instructions and as required by code. All extinguishers shall be tested  
33 semi-annually per the manufacturer's instructions.
- 34 a. Applicability. Fire extinguishers are required for every residential  
35 business/lodging permit.
- 36 b. Installation. One approved, listed, and labeled fire extinguisher rated for kitchen  
37 fires must be located near the kitchen or food preparation area and at least one  
38 approved, listed, and labeled fire extinguisher rated for general fires must be  
39 located near the sleeping rooms in a lodging use.
- 40 4. Open Burning Ordinance. The Applicant shall be responsible to understand the Teton  
41 County Open Burning Ordinance, to post the Open Burning Ordinance in a  
42 conspicuous place, and to inform all employees, guests, tenants, lodgers, and visitors  
43 of the ordinance and its consequences.

- D.** Solid Waste. Applicant will provide a sufficient number of suitable garbage receptacles to fully contain all solid waste generated by the proposed residential business or lodging use, which shall be disposed of on a weekly basis. Except on collection day, these garbage receptacles shall not be readily visible from the street. Trash in plastic bags shall not be placed outside of garbage receptacles. Where applicable, animal- and pest-proof garbage receptacles must be used. There shall not be any uncontained litter or odor noticeable at or beyond the property line.
- E.** Nuisances. Applicant's proposed use shall not cause noise to exceed the standards of this Ordinance.
- F.** Off-Street Parking. Residential businesses or lodgings shall provide off-street parking for all employees, guests, lodgers, visitors, etc., and any vehicles associated with the proposed use in compliance with the requirements of this Ordinance. All camper trailers, boat trailers, utility trailers, transport trailers, or any other type of trailer must also be parked off-street.
- G.** Outdoor Storage. The storage of any materials or solid waste associated with a residential business or lodging shall be:
1. Within an enclosed structure, or
  2. Within an area that is effectively screened from public view.
- H.** Heavy Commercial Vehicles. A heavy commercial vehicle is a vehicle or mechanized construction equipment unit that is used primarily for business purposes. One truck and trailer with a single piece of construction equipment shall be considered two vehicles.
1. Agricultural vehicles and agricultural operations are exempt.
- I.** Signs. Excluding any contact information sign, residential businesses or lodgings may display only the following signs:
1. One non-illuminated wall sign of no more than six (6) square feet, and
  2. One non-illuminated, on-site directional sign of no more than four (4) square feet.
- J.** Idaho State Tax Commission Registration. Applicants must provide their Idaho State Tax Commission Registration information. Failure to collect and remit any and all applicable sales and use taxes may result in permit suspension or revocation.
- K.** Inspection. The Applicant shall grant permission to Teton County and Eastern Idaho Public Health District to perform a physical inspection of that part of the dwelling and premises used for home occupancy once a year. The County will notify Applicant with at least five (5) days' notice of an upcoming inspection and will conduct the inspection during traditional business hours. The inspection shall be constrained to only those applicable items defined in this Ordinance and Chapter.
- L.** Compliance. The County shall, in writing, notify the Applicant of any deficiencies identified in the inspection, along with the reasons therefore, and serve such notice either by personal service or by certified mail, with service being effective upon mailing. Any deficiencies identified during an inspection must be corrected within thirty (30) days of notice, with written evidence of the corrections provided to the County. Failure to correct deficiencies in the allotted time may result in suspension or revocation of the Residential Business/Lodging Permit. If the same deficiency is found to occur three (3)

1 times within the permitted time period, the permit shall be revoked with Applicant  
2 prohibited from re-applying for two (2) years from the date of the revocation.

3 **M.** Enforcement. The enforcement standards contained in Chapter 3 of this Ordinance shall  
4 apply to this Chapter.

5 **08-8-9:** Home Occupation. Home occupation means a commercial-like activity conducted  
6 solely by the occupants of a particular dwelling unit in a manner incidental to and  
7 subordinate to the use of the dwelling unit as a residence.

8 **A.** Exempt from Permitting. General home occupations do not require a residential  
9 business/lodging permit and are allowed in all zones where the home occupation meets  
10 all of the following standards:

- 11 1. The use shall be clearly incidental and subordinate to the residential or agricultural  
12 use of the property and shall not change the character thereof;
- 13 2. All business is conducted within the primary residence on a parcel, except that an  
14 accessory structure may be used for professional office or similar type home  
15 occupations;
- 16 3. All business activities are conducted by a person or persons residing on the  
17 premises. No nonresident employees shall be allowed. No employees may report to  
18 work at the site of the home occupation;
- 19 4. There is no outside storage of materials or goods used or manufactured as a part of  
20 the home occupation. No hazardous material other than those commonly found  
21 within a residence shall be used or stored on the site. Such materials and equipment  
22 shall be limited to quantities that do not constitute a fire, health or safety hazard;
- 23 5. There shall be no storage or parking of heavy commercial vehicles as defined in this  
24 Chapter;
- 25 6. The use shall not create additional pedestrian, automobile or truck traffic in excess of  
26 the normal amount typical for the area. Client or customer visits to the site shall be  
27 limited to not more than twelve (12) per day, and seventy (70) per week;
- 28 7. No signage of any kind may be displayed;
- 29 8. Only one vehicle no larger than a one ton truck may be used by the occupant directly  
30 or indirectly in connection with a home occupation;
- 31 9. The home occupation shall not encroach into any required parking, setback, or open  
32 space areas; and
- 33 10. In accordance with this Ordinance, the use shall not create or cause noise, dust,  
34 vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare or electrical  
35 interference or other hazards nuisances.

36 **B.** Residential Business Permit May Be Required. In the event that the proposed home  
37 occupation use does not meet all the requirements of this article, the use shall be  
38 considered a residential business and must meet the requirements of 08-9-10  
39 Residential Business of this Chapter.

- 08-8-10:** Residential Business. Residential business means a commercial-type activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to and subordinate to the use of the dwelling unit as a residence, but that may have non-resident employees and/or frequent customer visits to the residence. Residential Transient rental lodging (08-9-12) is not a residential business as same is defined herein.
- A.** Purpose. The purpose of these provisions is to allow, in suitable locations, more intensive home occupation uses which:
1. Allow residents greater economic self-sufficiency,
  2. Indirectly support agriculture by enhancing the economic viability of living on agricultural property,
  3. Minimally impact neighboring properties, and
  4. Are clearly subordinate to primary residential or agricultural uses, and do not diminish agricultural viability or neighborhood character.
- B.** Permit Required. An administrative permit shall be required, pursuant to Chapter 3, for expanded home occupations that exceed the standards set forth in 08-9-9, above.
- C.** Standards. Residential business uses shall be subject to all of the following:
1. The minimum lot size shall be one acre, gross;
  2. Site of residential business has direct access to a public road or contributes to a road maintenance association;
  3. All business is conducted within the primary residence on a parcel, except that an accessory structure may be used for professional office or similar type home occupations. A detached structure used for a residential business shall not exceed the following:
    - a. If located in a Rural zone, 3,000 square feet and is adequately buffered from adjacent property as determined by the Administrator as per the setbacks and buffering requirements of this Ordinance; and
    - b. If located in a Residential zone, 1,500 square feet.
  4. Noise shall not exceed the levels set forth in this Ordinance. The Administrator may require a noise analysis to be submitted by the Applicant to verify compliance of this requirement;
  5. The number of vehicle trips generated by customers or clients shall not exceed twenty (20) per day;
  6. The business shall be owned and operated by a person or persons residing on the premises, and there shall be no more than two employees other than residents of the premises;
  7. Except as permitted by Chapter 4, no retail sales shall occur on the premises;
  8. Areas used for the storage of equipment, supplies, materials, or goods used or manufactured as a part of the home occupation shall be screened from view of adjacent property and public roads;
  9. There shall be adequate parking on the site to accommodate employees and customers, in addition to the required residential parking spaces; and

- 1                   10. The storage of heavy commercial vehicles used in conjunction with a residential  
2                   business pursuant to this article shall be subject to the following restrictions:
- 3                   a. Not permitted in Residential district zones;
- 4                   b. Limited to two vehicles in Rural district zones.
- 5 **D.**       Conditional Use Permit May Be Required. In the event that the proposed residential  
6       business use does not meet all the requirements of this article, it does not qualify for a  
7       Residential Business/Lodging Permit, is hereby defined as a commercial/industrial use,  
8       and must meet the commercial/industrial requirements of this Ordinance, including  
9       proper commercial/industrial zoning.
- 10 **08-8-11:**   Residential Care Facility or Group Home. Defined as a living arrangement in  
11       which people with special needs, especially older people with disabilities, reside  
12       in a facility that provides help with everyday tasks such as bathing, dressing, and  
13       taking medication. Also defined as children's institutions which include, but are  
14       not limited to, foster homes, maternity homes, children's therapeutic outdoor  
15       programs, or any facilities providing treatment, therapy or rehabilitation for  
16       children.
- 17 **A.**       Exempt from Permitting. In accordance with I.C. 67-6531, residential care facilities or  
18       group homes do not require a residential business/lodging permit and are allowed in all  
19       zones where the use meets all of the following standards:
- 20               1. The residential care facility must have eight (8) or fewer unrelated persons with  
21               disabilities or elderly persons reside and who are supervised at the group residence  
22               in connection with their disability or age related infirmity.
- 23               2. Resident staff, if employed, need not be related to each other or to any of the  
24               persons with disabilities or elderly persons residing in the group residence.
- 25               3. No more than two (2) of such staff shall reside in the dwelling at any one time.
- 26 **B.**       Exception to Permit Exemption. The exemption from permitting provided for in this article  
27       shall not apply to tenancy or planned tenancy in a group residence by persons who are  
28       under the supervision of the state board of correction pursuant to I.C. 20-219, or who are  
29       required to register pursuant to I.C. 18-83 or I.C. 18-84, or whose tenancy would  
30       otherwise constitute a direct threat to the health or safety of other individuals or whose  
31       tenancy would result in substantial physical damage to the property of others.
- 32 **C.**       Additional Certification and Licensure. As required in I.C. 67-6532(1), the Idaho  
33       Department of Health and Welfare may require group residences, as defined in I.C. 67-  
34       6531, to be licensed and set minimum standards for providing services or operation.  
35       Such licensure may be under the residential or assisted living facility rules or under the  
36       intermediate care facilities for people with intellectual disabilities or related conditions  
37       rules or under rules specifically written for such group residences.
- 38 **D.**       Conditional Use Permit May Be Required. If the proposed residential care facility or  
39       group home use does not meet all the requirements of this article, it does not qualify for  
40       a Residential Business/Lodging Permit, is hereby defined as a commercial use, and  
41       must meet the commercial requirements of this Ordinance, including proper commercial  
42       zoning.

1 **08-8-12:** Residential Transient Rental Lodging. Residential Transient Rental Lodging (Bed  
2 & Breakfast Establishment / Cabin / Home / Lodge / Small Hotel or Motel) means  
3 the use of a structure or some part thereof for rental or occupancy for sleeping or  
4 lodging for terms of thirty (30) consecutive days or less, in exchange for a fee or  
5 other similar consideration.

6 **A.** Purpose. The purpose of these provisions is to allow in suitable residential locations  
7 where land use incompatibilities can be minimized, transient rental uses which:

- 8 1. Allow residents greater economic self-sufficiency,
- 9 2. Indirectly support agriculture by enhancing the economic viability of living on  
10 agricultural property,
- 11 3. Minimally impact neighboring properties, and
- 12 4. Are clearly subordinate to primary residential or agricultural uses, and do not diminish  
13 agricultural viability or neighborhood character.

14 **B.** Use Definitions. The following terms are defined as they are meant in this article:

- 15 1. Bed & Breakfast. A Bed & Breakfast establishment is difficult to clearly define, as a  
16 number of similar, but distinct uses all fall into this general category. The following  
17 types of uses would all be considered a "Bed & Breakfast."
  - 18 a. Homestay, Host Home. This type of establishment is an owner-occupied private  
19 home where the business of paying guests is secondary to its use as a private  
20 residence. The hosts are primarily interested in meeting new people and making  
21 some additional monies while continuing their present employment or retirement.  
22 Breakfast is the only meal served. In some instances, it may be an un-hosted  
23 apartment where breakfast is self-serve.
  - 24 b. B&B, Bed-And-Breakfast. Formerly a single family dwelling usually in the 4-5-  
25 room range, this owner-occupied establishment has an equally mixed use as  
26 home and lodging with lodging superseding home more often than not.
  - 27 c. Bed & Breakfast Inn. Generally small, owner-operated businesses providing the  
28 primary financial support of the owner. Usually the owner lives on premises. The  
29 building's primary usage is for business. Breakfast is the only meal served and  
30 only to overnight guests. The inn may host events such as weddings, small  
31 business meetings, etc.
  - 32 d. Country Inn. A business offering overnight lodging and meals where the owner is  
33 actively involved in daily operations, often living on site. These establishments  
34 are, in fact, Bed & Breakfast inns which serve at least one meal in addition to  
35 breakfast, and operate as "restaurants" as well as overnight lodging  
36 accommodations. A country inn with a full-service restaurant serves these  
37 additional meals to the general public.
  - 38 e. Bed & Breakfast/Self-Contained Cottage. A detached building affording privacy  
39 and seclusion to guests, with owner providing minimal services. Breakfast is  
40 delivered to the room, taken with others in a central dining room or placed prior to  
41 arrival (or upon daily cleaning) in the cottage kitchen facilities. The owner is  
42 usually available for questions, but generally guests choose this style of B&B  
43 when they want little help. The light personal touch and memorable B&B decor  
44 further distinguish this genre from the vacation rental/condo.



2. Cabin. A cabin is generally a smaller, rustic building or structure designed as a second or vacation home and may be offered for rent in whole or part to related or non-related parties. Typically, the owner is not present during periods of transient rental.
3. Home (or dwelling). A home is a building, structure, or portion thereof used extensively for residential occupancy, including single-family, two-family, and multifamily dwellings, but not including hotels, motels, lodging houses, or other explicitly commercial buildings or structures. A dwelling is most simply defined as a legally permitted building or structure that contains a sleeping habitation, sanitary facilities, and a facility for heating food. A home may be offered in whole or part to related or non-related parties. Generally, the owner is not present during periods of transient rental.
4. Lodge. A rustic structure typical of or reminiscent of the historical look and feel of area structures, and offering overnight visitor accommodations. These uses may include facilities available to the general public, including, without limitation, meeting and dining facilities, provided these are an integral part of the lodge.
5. Small Hotel or Motel. A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. These uses include facilities available to the general public, including, without limitation, meeting and dining facilities, provided these are an integral part of the hotel or motel operations.

**C. Permit Required.** Transient rental uses in residential areas require a residential business/lodging permit, and may be permitted under one of two classes of permits:

1. Minor Transient Use. A minor transient use is the transient rental use of a home, building, or structure, in whole or part, for any purpose permitted in this Appendix to no more than fifteen (15) total occupants for any overnight stay. An administrative Residential Business/Lodging Permit shall be required, pursuant to Chapter 3.
2. Expanded Transient Use. An expanded transient use is the transient rental use of a home, building, or structure, in whole or part, for any purpose permitted in this Appendix to more than fifteen (15) but no more than thirty (30) total occupants for any overnight stay. A Conditional Use Residential Business/Lodging Permit shall be required, pursuant to Chapter 3.
3. Major Transient. A major transient use is the transient rental use of a home, building, or structure, in whole or part, to more than thirty (30) total occupants for any overnight stay, does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial use, and must meet the commercial requirements of this Ordinance, including proper commercial zoning.

**D. Standards.** Transient rental uses shall be subject to the following:

1. Signage. A contact person or agent within the local Teton County calling area must be identified on the application, be reasonably available by phone, and able to respond if there is a problem during the dwelling's use as a transient rental. The name and phone number of the contact person shall be posted inconspicuously on the transient rental building, but where a neighbor can easily read it
2. Access Requirements. Transient rentals must have access to the adjacent public, County, or State roadway.
3. Capacity.

- a. Individual Capacity. Each occupant requires 150 square feet of that heated, habitable portion of the home offered for transient rental use. The size of home may restrict the number of overnight occupants that might be otherwise permitted. As an example, a 3,000 square foot home would permit a maximum of twenty (20) occupants (20 people x 150 square feet each = 3,000 square feet).
  - b. Maximum Capacity. The total number of occupants permitted for any overnight stay may not exceed fifteen (15) for a minor transient use and may not exceed thirty (30) for an expanded transient use.
- E.** Conditional Use Commercial Permit May Be Required. In the event that the proposed transient rental use does not meet all the requirements of this article, the use shall be considered “major transient,” does not qualify for a Residential Business/Lodging Permit, is hereby defined as a commercial use, and must meet the commercial requirements of this Ordinance, including proper commercial zoning.

## **CHAPTER 9** Screening and Buffering Standards

**08-9-1:** What this Chapter Does. The purpose of this Chapter is to ensure that any screening/buffering required by this Ordinance effectively accomplish the intended purpose of mitigation. Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the County. Site conditions and dimensions may require a variance to achieve substantial compliance.

**08-9-2:** Minimum Screening/Buffer Requirements. Minimum required screening shall conform to the intensity identified below. Structures shall meet the height required when installed; planted trees and shrubs shall meet the expected opacity within two (2) growing seasons. Screening options include: six (6) foot rock or masonry wall; six (6) foot opaque vinyl or wood fence or similar; earth berm; planted trees and shrubs; or, any combination thereof that provides the expected opacity a minimum of six (6) feet in height.

### **A.** Screening

1. Typical Required Impact Screens: The following types of impact screens are required between uses in the zoning district identified above where the proposed development is located adjacent to or across the street from an existing development.
  - a. High Impact Screening (H): A 100% opaque screen between land uses that are dissimilar in character. A high impact screen shall have both of the following installed:
    - i. A six foot high wall or fence (see Security Fence, below);
    - ii. Low impact screening shall be planted on the exterior side of the wall or fence.
  - b. Medium Impact Screening (M): A 70% semi-opaque screen between land uses that are usually dissimilar in character. Semi-opaque screening should partially block views from adjacent land uses. A medium impact screen shall be a minimum of either a landscape screen or a fence, meeting one of the following options:
    - i. Screen A

- a. Shade Trees 1/500 sf
- b. Ornamental Trees 1/750 sf
- c. Evergreen Trees 1/300 sf
- d. Shrubs 1/200 sf
- ii. Screen B
  - a. Shade Trees 1/1,000 sf
  - b. Ornamental Trees 1/500 sf
  - c. Evergreen Trees 1/300 sf
  - d. Shrubs 1/200 sf
- iii. Screen C
  - a. Shade Trees 1/750 sf
  - b. Ornamental Trees 1/750 sf
  - c. Evergreen Trees 1/250 sf
  - d. Shrubs 1/200 sf
- c. Low Impact Screening (L): An open screen between relatively similar land uses. Open screening shall provide an attractive separation and must portray one of the following screening options.
  - i. Screen A
    - a. Shade Trees 1/500 sf
    - b. Ornamental Trees 1/750 sf
    - c. Evergreen Trees 1/500 sf
    - d. Shrubs 1/500 sf
  - ii. Screen B
    - a. Shade Trees 1/1,000 sf
    - b. Ornamental Trees 1/500 sf
    - c. Evergreen Trees 1/500 sf
    - d. Shrubs 1/500 sf
  - iii. Screen C
    - a. Shade Trees 1/750 sf
    - b. Ornamental Trees 1/750 sf
    - c. Evergreen Trees 1/750 sf
    - d. Shrubs 1/200 sf
2. Width of Screen: A screen required along a side or rear lot line shall be no less than 20 feet wide or as approved by the Planning Administrator. The screen may be reduced to ten (10) feet in width when a non-residential use abuts another non-residential use.

**B. Buffering**

1. Basic Buffer Width. The basic buffer width given is the width required where the buffer minimally consists of a level or gently sloping area (3:1 slope or flatter) of sod or ground cover and at least four (4) major trees per hundred lineal feet of buffer.
2. Minimum Buffer Width. Regardless of any reductions permitted herein, no required buffer shall be less than one half the basic buffer width or less than 10 feet in width, whichever is greater.
3. Height Adjustment. The basic buffer width shall be increased by the height adjustment factor, where one is established. The height adjustment factor is a ratio expressing the number of feet that must be added to the basic buffer width for each foot in height over 25 feet of the principal structure being buffered.
4. Buffer Width Reduction. The basic buffer width requirements may be reduced where one or more of the following is included in the buffer:
  - a. Berm. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be 10 feet. No berm shall have a slope steeper than 3:1, except where a retaining wall is incorporated into the berm on the side opposite the use or public way being buffered. The interior toe of the berm slope shall be no more than 25 feet from the interior edge of the buffer.
  - b. Additional Plantings. The basic width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted by this section are cumulative and may result in a total reduction of up to 30%. The buffer width reduction permitted by a berm is cumulative with those permitted here.
    - i. Major Trees. Major tree means any deciduous tree that reaches a height of more than 30 feet at maturity, or any evergreen. The required buffer width shall be reduced by 10% where two (2) or more major trees per hundred (100) lineal feet are planted or retained in addition to the required trees of Screening.
    - ii. Understory Trees. Understory tree means any deciduous tree that reaches a height of less than 30 feet at maturity. The required buffer width shall be reduced by 10% where two (2) or more understory trees per hundred (100) lineal feet are planted or retained in addition to the required trees of Screening.
    - iii. Shrubs. The required buffer width shall be reduced by 10% where ten (10) or more shrubs per hundred (100) lineal feet are planted or retained in addition to the required shrubs of Screening.
5. Buffer Crossings/Inclusions. Buffers may be crossed by access driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may also run along the length of a buffer, with its width, up to a maximum five (5) feet, being included in the required buffer width. Buffers may also include permitted signs.

**C. Security Fence.** A security fence is required along the property line for all required buffers.

1. The fence must extend three hundred (300) feet beyond the terminus of the required adjacent use buffering unless it intersects another fence or reaches the boundary of the subject property.
2. A security fence must be a minimum of four (4) feet tall and a maximum of eight (8) feet tall, and that completely secures an area from casual trespass. The fence must

be well-constructed and may be constructed from wire, wood, block, stone, masonry, or concrete.

3. Acceptable wire fence designs can be found on the Idaho Transportation Department's drawing number F-2-A, entitled, "Standard Barbed, Woven, Mesh, Combination Wire Fences, & Fencing Details;" drawing number F-2-D, entitled, "Chain Link Fence, Fence Type 4;" and on drawing number F-2-E, entitled, "Wildlife Fence, Fence Type 9."

**D.** Sight Obscurity. Where required, sight obscurity is defined as a sight obscuring fence, wall, building, berm, other landscaping, or other sight blocking design.

**E.** Sound Reflectivity. Where required, sound reflectivity is defined as a berm, or as a block, stone, masonry, or cement wall at least six (6) feet in height but a maximum of ten (10) feet high. Sound Reflectivity is applicable on all sides of commercial and industrial property bordering residential properties where sight obscurity is otherwise required.

**F.** Headlight Buffer. Where required, headlight buffering is defined as a sight and/or light obscuring fence, wall, building, berm, landscaping or other light trespass blocking design. Usually associated with commercial access and parking lot design.

**G.** Landscaping Specifications. Plant materials installed in required buffers shall be warranted for eighteen (18) months and meet the following specifications:

1. All trees, major and understory, shall be containerized or bagged and burlapped stock in good condition with a caliper of at least 1.5 inches, measured one (1) foot above grade for a deciduous tree, and a height of at least six (6) feet for coniferous trees.
2. All shrubs shall be minimum one (1) gallon containerized stock in good condition.

**H.** Maintenance. Every required screen shall be located in a recorded landscape easement and shall be maintained by the owner of the property where the screen is located to provide the visual screen at the opacity identified in this Section. Perpetual maintenance of required buffers is required and must be addressed in any improvement agreement. The recorded document number shall be submitted to the Planning Department.

**08-9-3:** [Insert Table]

## **CHAPTER 10** Absolute Development Standards

**08-10-1:** What this Chapter Does. This chapter establishes the performance standards applicable to land development and building activity allowed in the various zones established in this Ordinance.

**08-10-2:** Absolute Performance Standards. The absolute performance standards require or prohibit certain kinds of performance in Applications.

**A.** Compliance Is Required. Failure to comply with all applicable performance standards shall result in rejection of the application for a permit.

**B.** Exceptions. The only exceptions to the requirement for compliance with all applicable absolute performance standards shall be those specifically provided in this Ordinance and those allowed by variance. The variance procedure is explained in **Chapter 3, Administration**.

**08-10-3: Project Planning and Investments**

**A.** Design. Every permit application in Teton County is required to conform to the standards of this Ordinance, including the open space requirements of the respective zones and all design standards contained herein.

**B.** Public Improvements

1. General. No improvements shall be made until all plans, profiles, and specifications, have been reviewed and approved by the County or other government agency whose authority is required to approve the improvements. All improvements shall meet the requirements of the County's engineering design standards.

2. Submission

a. Engineering plans shall be submitted to the County Engineer for review and shall be prepared in accordance with the design standards and specifications of the County. The plans, when signed by the County, shall become permanent records and the property of the County.

b. The County may from time to time publish design standards and policies which will form the basis of review. Additional required data may include but not be limited to:

i. The applicant shall submit along with construction plans a drainage area map showing the subject property and all adjacent contributory drainage areas. Included on this map shall be grading and drainage information pertaining to any existing adjacent developments, design flow rates and supporting hydrologic and hydraulic data where applicable.

ii. The applicant shall submit construction plans, showing that sanitary sewer service, if applicable, has been extended through the project, all the way to the project boundaries, to serve all upstream drainage basins.

3. Installation. Improvements shall be constructed in accordance with the County construction standards and specifications.

a. Acceptance. Any improvements constructed by the applicant shall not be officially accepted until final inspection and approval has been made by the County, the appropriate warranty surety has been provided, and the Board has approved a resolution accepting the improvements.

b. Warranty. Warranty of all improvements shall be the responsibility of the applicant until acceptance by the governing bodies.

4. Required Hydrologic and Hydraulic Plans. If a proposed subdivision is equal to or greater than five acres or 50 lots and is to be located partially or completely in a special flood hazard area (A Zone) where no water surface elevation data or floodway has been produced by the County Flood Insurance Study, the applicant shall submit detailed hydrologic and hydraulic plans prepared by a registered professional engineer which shall define the expected 100 year flood elevations throughout the site of the proposed development.

5. Standard Improvement Contract

a. Required. A standard improvement contract shall be executed between the applicant and the County when improvements, as described in this development code, are required. The applicant shall provide the improvements as specified in the contract.

1                   b. Expiration/Extension

- 2                   i. If the applicant, due to unforeseen circumstances, is unable to complete all  
3                   improvements required under the contract in the time specified, the applicant  
4                   shall submit a written request for extension of the contract period at least 35  
5                   days prior to expiration.
- 6                   ii. The request shall specify the reason for failure to complete the work as  
7                   agreed, and a prospective date for such completion. Requests for extensions  
8                   shall be approved or rejected by the Board.
- 9                   iii. If a security has been provided to insure performance of the improvements  
10                  specified under the contract and the security is inadequate to cover the cost  
11                  of said uncompleted improvements at the time the extension is sought, the  
12                  applicant shall provide additional security to cover current cost projections as  
13                  made by the County.
- 14                  iv. Failure to follow this extension procedure constitutes a breach of the contract  
15                  and places the applicant in violation of the subdivision regulations.

16                  c. Property Transfer/Assumption Contract

- 17                  i. Prior to transferring the rights and obligations of all or a portion of a standard  
18                  improvement contract, the applicant shall notify the County Engineer when  
19                  the transfer is to occur and the name and address of the transferee.
- 20                  ii. The applicant shall provide the County Engineer with an assumption  
21                  agreement by which the transferee agrees to perform the work required  
22                  under the standard improvement contract and to provide security needed to  
23                  assure such performance. Said assumption agreement shall be subject to  
24                  the review of the County Attorney and subject to the approval of the Board.

25                  d. Assurances. To assure performance of the standard improvement contract  
26                  provisions for required public improvements, the applicant may select one of the  
27                  following methods with the exception that any off-site public improvements must  
28                  be fully bonded:

- 29                  i. Full Bond. The applicant shall submit a security deposit in the form of a  
30                  performance bond, a cash deposit, a certificate of deposit, or  
31                  irrevocable/automatically renewable letter of credit for 100% of the costs of  
32                  improvements as computed by the County Engineer.
- 33                  a. Recordation of Final Plat. The final plat shall be recorded in the Teton  
34                  County Clerk's office following approval of the plat and the contract by  
35                  the Board. The Building Official may only issue building permits after  
36                  proper recordation of the final plat.
- 37                  b. Release of Bond. The security posted by the applicant shall not be  
38                  released until the County has inspected all of the improvements, and all  
39                  improvements have been satisfactorily completed in accordance with the  
40                  contract and engineering plans, and the governing bodies have accepted  
41                  the completed improvements as outlined in [see reference].
- 42                  c. Bond Reduction. The County Engineer may approve a reduction in the  
43                  amount of the bond as improvements are made and inspected, but in no  
44                  case shall the bond be less than ten percent of the estimated costs of  
45                  improvements.

d. Proof of Liability. The applicant shall provide proof of liability insurance until the subdivision is officially accepted by the Board. In the event of premature expiration of liability, a certificate of renewal shall be provided 30 days prior to expiration of the liability insurance.

ii. Alternate Bond. The applicant shall submit a security deposit in the form of a performance bond, a cash deposit, a certificate of deposit, or irrevocable/automatically renewable letter of credit for a variable amount of security covering the costs of improvements that impact public systems and/or infrastructure, including, but not limited to, improvements to existing rights-of-way; sewer and/or drainage connections; sewer extensions of all kinds; sewer that serves upstream properties through the site; erosion control; traffic control on public roads; signalization of intersections, all as computed by the County Engineer.

a. Recordation of Final Plat. The Administrator may not record the final plat until either all required public improvements have been installed to the specifications of the County Engineer and accepted by the Board; or until all required public improvements have been fully bonded. The Building Official may only issue building permits after proper recordation of the final plat.

b. Release of Alternate Bond. Security posted by the applicant in the form of an alternate bond shall not be released until the County Engineer has inspected all of the improvements, and all improvements have been satisfactorily completed in accordance with the contract and engineering plans, and the Board has accepted the completed improvements as outlined in [see reference].

c. Alternate Bond Reduction. The County Engineer may approve a reduction in the amount of the alternate bond as required public improvements are made and inspected, but in no case shall the alternate bond be less than ten percent of the estimated costs of required public improvements.

d. Proof of Liability. The applicant shall provide proof of liability insurance until the subdivision or planned development is officially accepted by the governing bodies. In the event of premature expiration of liability, a certificate of renewal shall be provided 30 days prior to expiration of the liability insurance.

e. Conversion to Full Bond. A subdivision or planned development being developed under an alternate bond may be converted to a full bond by submission of the appropriate documents and security outlined in Paragraph [see reference]. The County Engineer may permit a conversion upon approval of the security deposit without additional approval. If conversion to a full bond occurs, the plat may be recorded and building permits may be issued in accordance with Paragraph [see reference].

**C.** Property Taxes. The County Treasurer must certify that all real property taxes now due and payable on the parcel being developed have been paid before a final approval may be granted and/or recorded.

**08-10-4:** Land Use and Conservation



1 **A.** Critical Areas: Slopes. No building on a steep slope shall be permitted on slopes of one  
2 vertical unit in four horizontal units (25%) or more unless a geotechnical engineer  
3 certifies that such application creates no significant hazard of slope failure or accelerated  
4 soil erosion. Building on slopes of greater than one vertical unit in three horizontal units  
5 (33.33%) shall be prohibited.

6 1. Steep Slope Setbacks. For slopes of or exceeding one vertical unit in four horizontal  
7 units (25%), buildings and structures shall be setback as follows:

8 a. From the toe of the slope, one half ( $\frac{1}{2}$ ) the height of the slope but not to exceed  
9 15 feet.

10 b. From the top of the slope, one third ( $\frac{1}{3}$ ) the height of the slope but not to exceed  
11 40 feet.

12 2. Open Space use of all slopes identified as unstable shall be required.

13 **B.** Critical Areas: Wildfire Hazards. All Applications that are in or adjacent to forested areas  
14 or areas of flammable brushy vegetation shall conform to the provisions of [(see  
15 reference)Teton County Wildfire Ordinance ???].

16 **C.** Hazardous Substances.

17 1. Any application that is, or that may reasonably be expected to be, subject to the  
18 reporting requirements of the Emergency Planning and Community Right-To-Know  
19 Act of 1986 (EPCRA), shall demonstrate continuing compliance with all state and  
20 federal requirements for the storage and handling of hazardous substances.

21 2. No application that is, or may become subject to the reporting requirements of  
22 EPCRA shall be located in any critical area.

23 **D.** Open Space. Standards for Open Space Subdivision Design. The design component of  
24 an Open Space Subdivision cannot be over emphasized. The requirements support  
25 creation of a proper balance between density, design, and open space which respects  
26 the site specific topography and natural environment. The other important factor is to  
27 assure proper long term maintenance of both the built environment and open space  
28 components of the subdivision.

29 1. Applicability

30 a. The open space requirements of this development code include both a formal  
31 open space and a common open space requirement. Where applicable,  
32 minimum open space requirements are set forth [see reference].

33 b. In the case that a development is being developed in phases, the amount of  
34 open space shall be computed separately for each phase, but may be combined  
35 with existing open space in earlier phases to create a larger uniform area.

36 c. The County reserves the right to refuse to accept public dedication of open space  
37 used to meet the requirements of this Chapter. The location of the proposed  
38 open space, its suitability for recreational and public use, and any adopted  
39 recreational or open space plans shall be considered in determining whether to  
40 accept dedication. The decision shall be made by the County in approval of  
41 preliminary subdivision plans, special use permits or outline plans, or by the  
42 Administrator in approval of site plans. Any decision of the Administrator relative  
43 to this Chapter may be appealed as outlined in [see reference].

- 1 d. The governing bodies may choose to receive a payment in lieu of the  
2 development of open space at a rate to be determined by the Administrator,  
3 approved by the County.

4 2. Common Open Space

- 5 a. Common Open Space Priority. In allocating land for common open space  
6 requirements, the following hierarchy of primary and secondary common open  
7 space shall be used.

- 8 i. Primary Open Space Areas. The primary open space areas consist of the  
9 following and shall be included in the required open space in their entirety  
10 except where these characteristics comprise more area than the percent of  
11 required open space:

- 12 a. The 100-year floodplain;  
13 b. Stream buffer areas required along each side of all perennial and  
14 intermittent streams;  
15 c. Slopes above 33%;  
16 d. Jurisdictional wetlands under federal law (Section 404) that meet the  
17 definition applied by the Army Corps of Engineers;  
18 e. Habitat for federally-listed endangered or threatened species.

- 19 ii. Secondary Open Space Areas. Greater latitude exists in the designation of  
20 secondary open space areas. Secondary open space areas shall include the  
21 most sensitive and noteworthy natural, scenic, and cultural resources on the  
22 remaining property and shall typically include all or part of the following kinds  
23 of resources:

- 24 a. Moderate to steep slopes, particularly those adjoining water courses and  
25 ponds, where disturbance and resulting soil erosion and sedimentation  
26 could be detrimental to water quality.  
27 b. Agricultural lands (including important farmland, lands historically used  
28 for irrigated and non-irrigated row crops, pasture and grazing lands,  
29 windbreak plantings or orchards).  
30 c. Healthy woodlands (particularly those performing important ecological  
31 functions, such as soil stabilization and protection of streams, wetlands,  
32 and wildlife habitats).  
33 d. Hedgerows, groups of trees, large individual trees standing alone.  
34 e. Visually prominent topographic features such as knolls, hilltops and  
35 ridges, and scenic viewsheds as seen from public roads, particularly  
36 those with historic features.  
37 f. Aquifer recharge areas.  
38 g. Areas with highly permeable (excessively drained) soils.  
39 h. Significant wildlife habitat areas.  
40 i. Sites or structures identified as having historic, archeological, or cultural  
41 features.  
42 j. Existing trails connecting the tract to other locations in the County.

1                   iii. Maximum Open Space. Although the resource lands listed as Primary or  
2                   Secondary conservation areas may comprise more than the required area of  
3                   open space required, no Applicant shall be required to designate more than  
4                   the percentage of open space required by the applicable zoning; however,  
5                   other standards of this Ordinance may further limit the permitted uses of the  
6                   remaining land.

7                   b. Common Open Space Configuration

8                   i. At least 75% of the required common open space shall be in a contiguous  
9                   tract or series of tracts. For the purposes of this section, contiguous shall  
10                  include any common open space bisected by a local residential street  
11                  (including a residential connector), provided that:

12                  a. A pedestrian crosswalk is constructed to provide access to the open  
13                  space on both sides of the street; and

14                  b. The street right-of-way area is not included in the calculation of minimum  
15                  open space required.

16                  ii. The required common open space shall be directly accessible to the largest  
17                  practicable number of lots within the subdivision. Non-adjointing lots shall be  
18                  provided with safe, convenient access to the open space (i.e. mid-block  
19                  connections in logical locations). At least 80% of the lots within a subdivision  
20                  shall be within 1,600 feet to required common open space. This distance  
21                  shall be measured in a straight line, without regard for street, sidewalk or trail  
22                  connections to the open space.

23                  iii. Access to the open space shall be provided either by an abutting street or  
24                  easement. Such easement shall be not less than 20 feet wide.

25                  iv. Permitted Uses of Common Open Space. Uses of common open space may  
26                  include the following:

27                  a. Conservation areas for natural, archeological or historical resources;

28                  b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or  
29                  similar conservation-oriented areas;

30                  c. Pedestrian or multipurpose trails;

31                  d. Passive recreation areas;

32                  e. Active recreation areas, provided that impervious area is limited to no  
33                  more than 25% of the total open space (active recreation areas in excess  
34                  of this impervious area limit shall be located outside of the protected  
35                  open space);

36                  f. Golf courses (excluding clubhouse areas and maintenance facilities),  
37                  provided the area does not exceed 50% of the required open space, and  
38                  further provided that impervious area is limited to no more than ten  
39                  percent of the total open space;

40                  g. Above-ground utility rights-of-way, provided the area does not exceed  
41                  50% of the required open space;

42                  h. Water bodies, such as lakes and ponds, and floodways provided the total  
43                  surface area does not exceed 50% of the required open space;

- i. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
    - j. Landscaped stormwater management facilities;
    - k. Easements for drainage, access, and underground utility lines; and
    - l. Other conservation-oriented uses compatible with the purposes of this development code.
  - c. Prohibited Uses of Common Open Space. Common open space shall not include the following:
    - i. Individual wastewater disposal systems (community systems may be permitted);
    - ii. Streets (except for street crossings as expressly provided above) and parking areas;
    - iii. Other activities as recorded on the legal instrument providing for permanent protection.
3. Formal Open Space. Formal open space areas shall be developed as set forth below.
- a. The shape, topography, and sub-soils shall be appropriate to the improvements proposed.
  - b. The intended types of open space improvements are described and diagrammed below. The diagrams are only illustrative; specific designs would be prepared in accordance with the text, which includes minimum and maximum size restrictions.
  - c. The minimum width for any required formal open space shall be nine feet.
  - d. Alternative but equivalent configurations may be allowed subject to approval by the Administrator.
  - e. The required formal open space shall be directly accessible to the largest practicable number of lots within the subdivision. At least 80% of the lots within a subdivision shall be within 1,600 feet to required formal open space. This distance shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.
  - f. **Illustrations**
4. Ownership and Management of Open Space. Applicants shall demonstrate compliance with the open space land ownership and maintenance standards of this Ordinance.
- a. Ownership. No residential lots shall be allowed to extend into the common or formal open space. Common and formal open space shall be accepted and owned by one of the following entities:
    - i. Teton County. The responsibility for maintaining the open space, and any facilities, shall be borne by the County.
    - ii. Land conservancy or land trust. The responsibility for maintaining the open space and any facilities shall be borne by a land conservancy or land trust.

- 1                   iii. Property owners association. A property owners association representing  
2 residents of the subdivision shall own the open space. Membership in the  
3 association shall be mandatory and automatic for all property owners of the  
4 subdivision and their successors. The property owners' association shall  
5 have lien authority to ensure the collection of dues from all members. The  
6 responsibility for maintaining the common open space and any facilities shall  
7 be borne by the property owner's association.
- 8                   iv. Private landowner. The responsibility for maintaining the open space and any  
9 facilities shall be borne by the private landowner(s) subject to the approval of  
10 the Administrator.
- 11           b. Management Plan. Applicants shall submit a plan for the management of  
12 common and formal open space and other common facilities that:
- 13                   i. Allocates responsibility and guidelines for the maintenance and operation of  
14 the open space and any facilities located thereon, including provisions for  
15 ongoing maintenance and for long-term capital improvements;
- 16                   ii. Estimates the costs and staffing requirements needed for maintenance and  
17 operation of, and insurance for, the open space and outlines the means by  
18 which such funding will be obtained or provided;
- 19                   iii. Provides that any changes to the plan be approved by the Administrator; and  
20                   iv. Provides for enforcement of the plan.
- 21           c. Failure to Maintain Common or Formal Open Space. In the event the party  
22 responsible for maintenance of the open space fails to maintain all or any portion  
23 in reasonable order and condition, the County may assume responsibility for its  
24 maintenance and may enter the premises and take corrective action, including  
25 the provision of extended maintenance. The costs of such maintenance may be  
26 charged to the property owner's association, or to the individual property owners  
27 that make up the property owner's association, and may include administrative  
28 costs and penalties. Such costs shall become a lien on all subdivision properties.

29           5. Legal Instrument for Protection and Maintenance

- 30                   i. The common and formal open space shall be protected by a binding legal  
31 instrument approved by the appropriate governmental attorney and will be  
32 recorded by the applicant prior to or with the plat. The standard shall be  
33 adequate protection and maintenance of the common open space. The  
34 instrument shall be one of the following:
- 35                   a. A permanent conservation easement in favor of either:
- 36                           i. A land trust or similar conservation-oriented non-profit organization  
37 with legal authority to accept such easements. The organization shall  
38 be bona fide and in perpetual existence and the conveyance  
39 instruments shall contain an appropriate provision for re-transfer in  
40 the event the organization becomes unable to carry out its functions;  
41 or
- 42                           ii. A governmental entity with an interest in pursuing goals compatible  
43 with the purposes of this development code. If the entity accepting  
44 the easement is not the County, then a third right of enforcement  
45 favoring the County shall be included in the easement.

- b. A restrictive covenant for conservation purposes in favor of a governmental entity.
- c. An equivalent legal tool that provides protection and maintenance, if approved by the County.
- d. The instrument for protection and maintenance shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this Chapter, as well as any further restrictions the applicant chooses to place on the use of the common or formal open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

**08-10-5: Biodiversity**

**A. Critical Areas: Wetlands.** All Applications shall demonstrate compliance with local, state, and federal wetlands protection requirements.

1. The open space use of wetlands and / or their enhancement, to the same or a higher functional value shall be required. Wetlands enhancement requires that the acreage of wetlands enhanced or restored is greater than the wetlands area disturbed. Wetlands may be modified for necessary utility lines, roads, and trails and still meet the objectives of this requirement. These modifications may require permits from other state or federal agencies.
2. Minimize all bank hardening in favor of natural floodplains and native wetland vegetation for bank stabilizations.

**B. Critical Areas: Stream Banks, Lakeshores, Wetlands Boundaries.** Applications containing, or construction adjacent to streams, lakes, or wetlands shall meet the following building setback and buffering requirements.

1. Minimum building setbacks and minimum native vegetation buffers shall be required along all streams, lakes, and wetlands, as shown in [Table]. The most restrictive measurement at any given point shall prevail.
2. Setback. Minimum building setbacks shall be measured from the average annual high water mark of the body of water.
3. Buffer. Minimum native vegetation buffers shall be measured from the edge of the area dominated by riparian vegetation and may extend beyond the minimum setback identified above.
4. Variance. Applications that cannot meet the setback and buffering requirements may qualify for a variance as provided in Chapter 3, Administration.
5. Minimize all bank hardening in favor of natural floodplains and native wetland vegetation for bank stabilizations.
6. Roads, trails, and utility lines may cross stream or lakeshore corridors, but the number and width of such crossings shall be minimized. Select the crossing most likely to be in an area where the stream will not naturally migrate laterally. Culverts and bridges must specifically be designed to meet fish, amphibian, and reptile passage needs and must incorporate design strategies to allow for their passage upstream and downstream at flows generally found in the stream and provide for normal downstream migration of sediments and streambed materials. Irrigation works (dams, head gates, ditches, etc.) may be placed in stream or lakeshore corridors, as may hydroelectric power generation facilities, upon issuance of an appropriate local

1 permit, and all required state and federal permits. Roads running parallel to streams  
2 and lakeshores shall be located the same distance from the water body as required  
3 for minimum building setbacks. Greenbelt trails shall be permitted in the native  
4 vegetation buffer of the stream and lakeshore corridors on a case by case basis

- 5 7. Individual or community septic tanks and drain fields, as permitted by Idaho  
6 Department of Environmental Quality and Eastern Idaho Public Health Department,  
7 shall be located the minimum setback distance or further from the stream, lakeshore,  
8 or wetland.
- 9 8. Stream corridor native vegetation buffers shall be maintained or restored to native  
10 vegetation.
- 11 9. The native vegetation buffers and building setbacks required here shall be clearly  
12 shown on final site plans and final subdivision plats. In subdivisions, the native  
13 vegetation buffer and building setback line shall be located by a permanent  
14 monument on each lot line that runs more or less perpendicular to the stream or lake  
15 and at the center of each lot that borders the stream or lake. The native vegetation  
16 buffers and building setbacks shall be measured from a point five feet vertically  
17 above the average annual high water mark and running horizontally the required  
18 number of feet.
- 19 10. Retention of the stream corridor native vegetation buffer, and building setback in  
20 common (for use by residents only) or public (dedicated to an agency that accepts  
21 responsibility for maintenance) shall be allowed as a component of the percentage of  
22 open space requirements for subdivision, as well as any land set aside as open  
23 space to provide the water quality, flood control, fish and wildlife habitat, and/or  
24 aesthetic consistent with the Plan.
- 25 11. Applications in the Floodplain Overlay shall comply with the standards of **Chapter 6,**  
26 **Overlay Areas.**

#### 27 **C. Surface Water**

- 28 1. Runoff and Erosion Control. A professionally prepared runoff and erosion control plan  
29 shall be implemented by the application. That plan shall:
  - 30 a. Address the requirements of the Environmental Protection Agency (EPA). The  
31 United States Clean Water Act requires Applicants or their designated operators  
32 of construction sites to obtain permit coverage to discharge storm water to a  
33 water body or to a municipal storm sewer. In Idaho, the EPA has issued a  
34 general permit for storm water discharges from construction sites.
  - 35 i. If a construction project disturbs more than one acre of land (or is part of a  
36 larger common application that will disturb more than one acre), the  
37 Applicant or designated operator is required to apply for permit coverage  
38 from EPA after developing a site-specific Storm Water Pollution Prevention  
39 Plan.
  - 40 ii. The Storm Water Pollution Prevention Plan must document the erosion,  
41 sediment, and pollution controls the Applicant or designated operator intends  
42 to use; provide for periodic inspection of those controls; and maintain best  
43 management practices through the life of the project.
  - 44 iii. The plan must be updated as conditions change and a copy kept on site.

- iv. This portion of the runoff and erosion control plan may be a condition of approval incorporated into the improvement agreement and provided to the County after permit approval but prior to the inception of any site work.
  - b. Identify runoff and erosion hazard areas on the site.
  - c. Identify areas and facilities, both on and down slope from the site, that are vulnerable to damage from accelerated runoff or erosion.
  - d. Show how the retention of existing vegetation will be maximized and land disturbance minimized.
  - e. Show how existing trees that are to be retained will be protected from damage during construction.
  - f. Show how the area disturbed by construction at any one time will be minimized and how disturbed areas will be stabilized during the construction period.
  - g. Show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques (re-vegetation with locally propagated native plants is encouraged).
  - h. Show how runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration or increase of runoff.
  - i. Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-application rate of release.
  - j. Show how sediment resulting from accelerated soil erosion will be retained on site.
  - k. Show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means.
- D.** Air Quality. All Applications shall demonstrate continuing compliance with local, state, and federal air quality regulations.
- E.** Weed Control. As required by I.C. 22-2407, it shall be the duty and responsibility of all landowners to control noxious weeds on their land and property. Applicants shall demonstrate continuing compliance with this performance standard.
- F.** Animals on Residential Lots. For the purposes of this performance standard only, residential lots are defined as both platted subdivision lots and residential parcels in unplatted areas where there are other residential housing units within 300 feet of the subject property boundary.
1. Livestock on Residential Lots. The keeping of livestock on residential lots shall be restricted to two horses, pigs or cows, or ten llamas, sheep, or goats (including their offspring until weaned) per acre.
    - a. If the maximum animal count of all livestock meets or exceeds 250, the use shall be commercial and shall require and appropriate local permit.
    - b. No livestock shall be kept on lots of less than one acre.
    - c. Keeping of pack animals during local big game hunting seasons shall be permitted for up to seven (7) days.



- 1                   2. Fowl on Residential Lots. The keeping of 30 males (roosters, drakes, ganders, etc.)  
2                   and hens per acre shall be permitted. Lots of less than one acre may keep fowl  
3                   proportional to 30 males and hens per acre.

4   **G.**

5   **08-10-6: Cultural and Historical Values**

- 6   **A.**   Protecting Agricultural Operations. Development of other uses in the County shall not  
7           interfere with existing agricultural operations, including the normal operation of dairies,  
8           feedlots, potato cellars, and other agricultural activities that may, at times, be perceived  
9           as a nuisance by inhabitants of nearby residences. I.C. 22-4503 states that agricultural  
10          operations are not and cannot become a nuisance to surrounding nonagricultural  
11          activities except in the case of improper or negligent operation, or in the case of confined  
12          animal feeding operations (CAFO).

- 13           1. Agricultural Waiver. All subdivision applications shall include a legal declaration or  
14           plat note waiving all common law claims of nuisance caused by permitted, accepted,  
15           and customary agricultural operations conducted in accordance with federal, state,  
16           and local laws. These agricultural activities normally and ordinarily produce noise,  
17           dust, smoke, and other conditions at all hours of the day and across all seasons. The  
18           waiver shall preclude all rights to complain, object, harass, or interfere in the legal  
19           agricultural activities in the neighborhood, community, and County.

- 20   **B.**   Protecting Irrigation Systems. All Applications including or adjoining irrigated lands, or  
21           including or adjoining any irrigation works (diversions, head gates, canals, pumps,  
22           drains, etc.) shall be reviewed by the responsible irrigation entity. No application shall be  
23           permitted to adversely impact the operation of any irrigation system and all Applications  
24           shall comply with the specific performance standards established here.

- 25           1. Subdivision of Irrigated Lands: Delivery of Water. All subdivisions shall demonstrate  
26           compliance with I.C. 31-3805, as amended. When either a subdivision within the  
27           meaning of chapter 13, title 50, Idaho Code, or a subdivision subject to this  
28           Ordinance, and all or any part of said subdivision would be located within the  
29           boundaries of an existing irrigation district or other canal company, ditch association,  
30           or like irrigation water delivery entity, hereinafter called "irrigation entity" for the  
31           purposes of this chapter, no subdivision plat or amendment to a subdivision plat or  
32           any other plat or map recognized by the County for the division of land will be  
33           accepted, approved, and recorded unless:

- 34           a. The water rights appurtenant and the assessment obligation of the lands in said  
35           subdivision which are within the irrigation entity have been transferred from said  
36           lands or excluded from an irrigation entity by the owner thereof; or by the person,  
37           firm or corporation filing the subdivision plat or amendment to a subdivision plat  
38           or any other plat or map recognized by the County for the division of land; or  
39           b. The owner or person, firm or corporation filing the subdivision plat or amendment  
40           to a subdivision plat or any other plat or map recognized by the County for the  
41           division of land has provided for underground tile or other like satisfactory  
42           underground conduit for lots of one (1) acre or less, or a suitable system for lots  
43           of more than one (1) acre which will deliver water to those landowners within the  
44           subdivision who are also within the irrigation entity, with the following appropriate  
45           approvals:

- i. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to said lands.
- ii. For proposed subdivisions located outside incorporated cities but within a negotiated area of city impact pursuant to chapter 65, title 67, Idaho Code, or within one (1) mile outside the incorporated limits of any city, both County zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.
- iii. For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.
- iv. For proposed subdivisions located outside an area of city impact in counties without a zoning ordinance, such irrigation system must be approved by the board of county commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

2. Subdivision of Irrigated Lands: Delivery of Water - CONTINUED

- a. In the event that the provisions of either subsection 1.a or 1.b, above, of this section have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. Any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:
  - i. That suitable water deliveries have not been provided; and
  - ii. That the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and
  - iii. That the individual purchaser shall be responsible to pay such legal assessments; and
  - iv. That the assessments are a lien on the land within the irrigation entity; and
  - v. That the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.
- b. A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subsection of this section, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

**08-10-7:** Recreation Resources

**A.** [RESERVED]

**08-10-8:** Built Environment

1    **A.**     Buffering. Installation of landscaped buffers between potentially incompatible land uses  
2           and along public roads in accordance with **Chapter 9** shall be required. Buffers along  
3           stream corridors are required as delineated in [(see reference)]. Integration of existing  
4           mature vegetation that serves buffering functions is required.

6    **08-10-9:**     Public Service and Infrastructure

7    **A.**     General

- 8           1. Unless otherwise waived by the County, all lots within a City Area of Impact shall be  
9           connected to the City water and a public sanitary sewer systems. Any lot that is  
10          approved for using septic tanks, alternative sewage disposal systems, or private  
11          water wells shall meet all requirements of the County and State health department  
12          regulations.
- 13          2. The applicant shall pay all costs for connecting to the City system, for the following  
14          public utilities, that is complete, in place and ready for service as follows:
  - 15           a. Water mains, customer services, meter boxes, valves, fittings, fire hydrants and  
16           all appurtenances to make a complete operating water system within the  
17           subdivision or other development;
  - 18           b. A complete sanitary sewer system including laterals and mains, manholes, clean-  
19           outs, customer service wyes, tees, lift stations, force mains, lines, and all  
20           appurtenances. When public sewers are within reasonable access to the  
21           subdivision, the applicant shall provide sanitary sewer facilities to each lot  
22           therein. The applicant shall provide sewers of the diameter necessary to serve  
23           the subdivision. The applicant shall also provide for sewers to the boundary of his  
24           property for any future upstream development but shall only be required to pay  
25           for sewers with a capacity equal to or less than a 12 inch diameter pipe serving  
26           upstream development.

27   **B.**     Utilities

- 28          1. Electric transmission and distribution feeder lines and communication long-distance  
29          trunk and feeder lines and necessary appurtenances may be placed above the  
30          ground. Such facilities shall be placed within easements or public rights-of-way  
31          provided all poles and lines remain clear of any sidewalk, bicycle or pedestrian way.  
32          Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and  
33          other facilities necessarily appurtenant to such underground utilities may be placed  
34          above the ground provided they remain clear of any sidewalk, bicycle or pedestrian  
35          way. All other new electric utility services shall be placed underground where  
36          functionally feasible unless an above-grade connection is approved by the County.  
37          Temporary construction service may be permitted above ground.
- 38          2. All other utilities, including but not limited to telephone and cable, may be located on  
39          electric utility infrastructure as identified in Sub-Section A, above; otherwise, such  
40          infrastructure shall be located underground.
- 41          3. The applicant shall make the necessary arrangements including the provision of any  
42          easements to or any construction or installation charges with each of the serving  
43          utilities for the installation of such facilities and shall be subject to all applicable laws  
44          and regulations for their construction.
  - 45           a. Rights-of-Way and Service Capacity

1 i. Adequate rights-of-way or easements for service by proposed public utilities  
2 shall be provided. A written statement of compliance with this performance  
3 standard shall be obtained from each utility. All utility easements, public and  
4 private, shall be clearly indicated on the final plat document.

5 ii. Written certification that capacity to serve the proposed application is  
6 available shall also be obtained from all proposed public utilities.

7 b. Construction.

8 i. No building shall be placed in any utility or irrigation easement, public or  
9 private. Wire or rail fences, or solid wood fences with a removable section  
10 across the easement may be constructed across easements only with written  
11 permission from the easement holder.

12 ii. Proposed utilities shall be installed to each lot before road surfaces are  
13 constructed, so as to preserve the integrity of the road surface.

14 4. Alternative energy sources are encouraged by Teton County and these performance  
15 standards shall be rationally and reasonably adjusted to accommodate any unique  
16 requirements of the alternative source.

17 **C. Water**

18 1. Water Quality. All Applications shall demonstrate continuing compliance with local,  
19 state, and federal water quality regulations.

20 2. Critical Areas: Water Quality Vulnerability. Surface water and groundwater quality  
21 vulnerability areas are identified in this Ordinance. For Applications in water quality  
22 vulnerability areas, provision of a central/community sewer or connection to an  
23 existing one shall be required.

24 a. In the event any of the following conditions are present, the Applicant must  
25 complete a nutrient pathogen (NP) analysis to determine appropriate wastewater  
26 collection and treatment design, wellhead location and protection; and to  
27 determine appropriate overall development density. It is the responsibility of the  
28 Applicant or their qualified NP professional to undertake sufficient investigation to  
29 determine whether any of the following conditions exist:

30 i. The proposed application lies within 200 feet of a wetland area or waterway;  
31 or

32 ii. There is evidence that ground water, at some time of the year, comes within  
33 ten feet of the ground's surface at any location on the proposed application  
34 parcel; or

35 iii. There is evidence that soil depth to fractured bedrock is ten feet or less; or

36 iv. The application includes a food service, commercial facility, or an industrial  
37 facility generating 600 gallons or more of wastewater per day; or

38 v. The proposed application is within an area where the concentration of nitrate-  
39 nitrogen in ground water is five (5) mg/L or higher; or

40 vi. Any area within a designated Nitrate Priority Area, as identified by the Idaho  
41 Department of Environmental Quality.

42 3. Water Service.

- 1 a. Water System Required. Applicants shall be responsible for providing an  
2 approved public water supply system.
- 3 i. Proximate System. Where an approved public water supply or distribution  
4 main is within reasonable distance of the subdivision, but in no case less  
5 than one-half mile away and connection to the system is both possible and  
6 permissible, the applicant shall be required to bear the cost of connecting the  
7 subdivision or development to an existing water supply.
- 8 ii. Proposed Central Water Supply. Where required or selected, the application  
9 shall provide a central domestic water supply system that meets state design  
10 and construction requirements.
- 11 iii. Proposed Individual Water Supplies. Where reliance on individual water  
12 supplies is proposed, evidence shall be provided that an adequate quantity  
13 and quality of water is available for the proposed application. The required  
14 evidence may be in the form of documented experience with existing wells at  
15 geologically similar, neighboring sites, records of on-site well tests, and  
16 IDWR correspondence.

17 **D. Wastewater**

- 18 1. On-site Sewage Disposal. All on-site sewage disposal systems shall be sited,  
19 designed, and constructed in compliance with state standards as provided by the  
20 Department of Environmental Quality and the Eastern Idaho Public Health District.
- 21 2. Central Wastewater Collection. All central wastewater collection will meet the design  
22 standards of the applicable monitoring agency and be in compliance with the Teton  
23 County Sewer Ordinance, if applicable.
- 24 3. Central Wastewater Treatment.
- 25 a. Wastewater System Required. An applicant shall be responsible for providing an  
26 approved public sanitary sewer system throughout the entire subdivision or other  
27 development such that all lots will be capable of connecting to the sanitary sewer  
28 system unless otherwise allowed due to site conditions and/or constraints.  
29 Connection shall be required for all lots and subdivisions unless otherwise  
30 determined by the County. The design and construction of a public sanitary  
31 sewer system shall comply with regulations covering extension of public sanitary  
32 sewer systems adopted by the applicable city or the County.
- 33 i. Proximate System. Where an approved public wastewater treatment system  
34 or connection is within reasonable distance of the subdivision, but in no case  
35 less than one-half mile away and connection to the system is both possible  
36 and permissible, the applicant shall be required to bear the cost of  
37 connecting the subdivision or development to an existing wastewater system.
- 38 ii. Proposed Central Wastewater Treatment. Where required or selected, the  
39 application shall provide a central wastewater treatment system that meets  
40 state design and construction requirements, as evidenced in writing.
- 41 iii. Proposed Individual Septic Systems. Where reliance on individual septic  
42 systems is proposed, evidence shall be provided from Eastern Idaho Public  
43 Health District that the site has been tested and approved for an approved  
44 design.
- 45 b. Alternative site treatment technologies approved by the Department of  
46 Environmental Quality and the Eastern Idaho Public Health District are

encouraged, such as artificial created wetlands for high altitude, low temperature settings.

**E. Solid Waste**

1. Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not attract bears, rodents, flies, or other animals; generate odors perceptible beyond the property line or liquid runoff; or permit the blowing of paper and other lightweight waste.
2. Industrial or commercial solid waste handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on the site, or the construction of a fence or wall. This includes expansions of existing solid waste handling and storage areas. Landscaped buffers for these areas are required.
3. No application shall inhibit the proper operation and maintenance of required waste disposal facilities by third party waste disposal operators.

**08-10-10: Transportation and Connectivity**

**A. Access Standards**

1. Connections. All applications shall be designed to provide and optimize existing and future functional connections with adjoining properties, including shared access to arterial roads and highways, shared parking and service access, shared buffers and open space, and shared pedestrian circulation. The following illustration shows two scenarios when adding parcels along a County road. In the middle drawing, all the driveways are improperly connected to the street. The bottom drawing shows the required optimization of shared access to arterial roads and highways.
  - a. [insert illustration]
2. Points of access to public roads shall be constructed in compliance with the standards of this Ordinance.
3. Access Permits. Applications with points of access to a state or federal highway shall obtain approval for those points of access from the Idaho Transportation Department and provide access permits as part of the application. Applications that connect to the County road system must obtain an access permit from the Teton County Public Works Department as part of the application.
4. All Applications will strive to minimize the number of points of access to county roads and highways.
5. Public Access
  - a. No application shall eliminate historically existing public accesses and their associated parking areas through and on private lands to trailheads and water resources on public lands.
  - b. When required by this Ordinance, the provision of public access to public lands or water resources may be required.
6. Single Family Dwellings. Applications with multiple single family dwellings shall generally be provided with at least two (2) separate and approved fire apparatus access roads which shall be separated by at least two lots.

- a. Where there are 15 or fewer dwelling units on a single private or public access way, access from two directions shall not be required.
  - b. Where there are 35 or fewer dwelling units on a single private or public access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
  - c. The number of dwelling units on a single fire apparatus access road shall not be later increased unless fire apparatus access roads will connect with future development, as determined by the Fire Code Official. Other requirements may also apply.
7. Multiple Family Dwellings or Mixed Use. Applications with more than 35 dwelling units shall be equipped with two separate and approved fire apparatus access roads.
- a. Projects having up to 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential uses, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. However, projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads.
8. Commercial and Industrial Applications: Commercial and Industrial Projects shall comply with Section D 104 of the International Fire Code.

**B. Fire Protection**

1. All applications for subdivision and commercial application shall be referred to the Fire Code Official for review and approval. No subdivision or commercial application will be scheduled for public hearing until review and approval is received from the Fire Code Official.
  - a. Chemical, pesticide, and fertilizer facilities. Said facilities must have adequate fire protection, enclosed storage areas, and handling/disposal processes that have been approved in writing by the Fire Authority having jurisdiction.
2. Bulk storage of flammable liquids and gases
  - a. Will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner's residence.
  - b. Will be erected with the written approval of the Fire Authority having jurisdiction.
  - c. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Fire Authority.

**C. Roads, Streets and Alleys**

1. Roads. All Applications must have road access meeting or exceeding the engineering standards of this Ordinance from the nearest County or State road meeting said construction standards as well as to all lots within any application. Applicant will commit to the construction of both identified on-site as well as needed off-site improvements through an improvement agreement with Teton County before an application permit will be granted.
2. Street Design Considerations.
  - a. Maintaining Traditional Street Patterns. It is important that Applicants do not needlessly fragment the community's rational network of interconnected streets. Building dead ends is inherently less safe because they provide only one point of

access for emergency vehicles. Concerns about through traffic can be addressed by ensuring that connecting streets are specifically designed not to become shortcuts that attract increased traffic. Wherever possible, existing neighborhood roads shall be utilized to provide access to and through the project.

- b. Areas of Impact and Spheres of Influence. Applications that are in or near to a city area of impact shall ensure continuity of that city's road grid pattern as it would be extended to the proposed property. Consultation with the affected city shall be required.
- c. Traffic Calming. A number of different street design techniques have evolved to slow the movement of traffic through residential neighborhoods, and they are beginning to be more frequently employed either to supplement or to replace cul-de-sacs, whose overuse has been of growing concern due to the isolation they create and the traffic they push onto other streets. The following designs may be useful in slowing speeds through a project:
  - i. T-Intersections. By purposefully introducing three-way intersections with right-angle turning, emergency vehicles are uninhibited in serving a neighborhood, but speeds are lowered as vehicles negotiate the turns. These types of intersections also allow for the use of greens to improve visual appeal.
  - ii. Curves. The use of deliberate curves, especially around trees or other natural features has a noticeable slowing effect on vehicle traffic.
  - iii. Planned Obstacles. The introduction of visual features such as a park, gazebo, or green as a terminal vista around which a road must be routed will also reduce neighborhood traffic speeds.
  - iv. Cul-De-Sacs. Cul-de-sac design is should avoid the completely paved turning area of minimum circumference in favor of the use of visual end points. "Greenlets" and rain gardens are great visual focal points to place in the center of a slightly larger radius and allow for areas of snow storage in the winter months.
  - v. Crescent Connections. A crescent street replaces a cul-de-sac and adds a short connecting street to another road in the project. The space between the small connecting street and the main road can serve as a rain garden and an attractive island, with proper shade trees branching out to fill the "celestial space" above it. This eye-shaped island also calms traffic and serves as a green "terminal vista," enhancing the streetscape as seen by those approaching in vehicles or on foot.
  - vi. Closed Loops. The closed loop is an elongated version of the crescent, where the central island becomes a small linear park. This approach, called a close, can also be described as a boulevard cul-de-sac. It consists of two lanes separated by a green area, rather than a painted white line. This is essentially a one-way loop, with the turning radius equal to or greater than that normally provided in cul-de-sacs; it is generous enough for large vehicles, such as moving vans and fire engines to turn around in. If the central island is slightly lower than the surrounding lanes, and if the pavement is not crowned but rather sloped down toward the center, this small park can serve as a rain garden, planted with trees and shrubs that thrive on additional runoff.



- vii. Country Lanes. The use of gravel roads, called country lanes, in rural applications is highly encouraged; the County permits certain low-use road classes to be finished with a reasonable sub-base and gravel road base. Gravel roads when properly kept up are visually appealing, cost less to maintain and tend to lower average travel speeds.
- viii. Back Lanes and Alleys. The use of back lanes and alleys allows garages and sheds to be placed away from the visually sensitive streetscape, can be designated as shared driveways or common areas of the project, can be narrower than the frontage street, and can be one-way if so desired. When designed into a medium- or high-density project, back lanes and alleys allow many of the visual resource requirements of Division 5 of this chapter to be met.

#### **D. Sidewalks, Trails, and Paths**

##### **1. Sidewalks and Paths.**

- a. High density applications are required to provide safe, off-street paved or concrete sidewalks for pedestrian traffic.
- b. In all other cases, safe off-street paths are to be provided for residents and visitors to the project. Paths are not sidewalks and do not require pavement or cement, but must be easily used by neighborhood residents, especially children on foot or bicycle.
- c. "Tweetens." A term used by Frederick Law Olmstead, tweetens are informal connectors between different parts of a project that increase accessibility and reduce travel needs. Tweetens can be part of a more formal path or trail network or exist on their own, but do not run parallel to or compete with streets. Rather, they are the planned "shortcuts" between friends' homes. Tweetens are encouraged in any larger project and in connecting different clusters within a clustering design.

#### **E. Parking and Loading**

1. OFF-STREET PARKING:
2. MINIMUM REQUIRED: All uses shall provide the minimum parking spaces in accordance with the off-street parking schedule, as set forth below:
  - a. **[insert table here]**
3. SIZE: A parking space shall be useable space within a public or private parking area or building of not less than 200 square feet in size, at least ten feet (10') on center in width and 20 feet on center in length.
4. CHANGE IN USE: Whenever the use of a building changes to a new use, spaces will be required to meet the new use.
5. ACCESS: Access to parking spaces for commercial and industrial uses shall not be less than 12 feet on center in width and not more than 40 feet wide at curb lines.
6. LIGHTING: Lighting used to illuminate off-street parking shall be directed away from residential properties as referenced in **(see reference)**.
7. SNOW: Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

**08-10-11: Community Vitality**

**A. [RESERVED]**

**08-10-12: Miscellaneous**

**A. Buffering and Screening. See Chapter 10.**

**B. Drafting and Platting**

**1. [RESERVED]**

**C. Outdoor Lighting:**

1. Purpose: This Section requires specific types of light fixtures and lighting levels for commercial, public, and residential lights in Teton County. The purpose is to protect the health, safety, and general welfare of the county residents by providing even, adequate lighting for safety and security that is not excessive, does not interfere with vision because of glare, avoids excessive visual adjustment to varying light levels, permits the viewing of the night sky, and is not obtrusive to homes and public places. This Section also requires the design approach to area lights to be greater in number, lower in height, and lower in lumens, rather than fewer in number, higher in height, and higher in lumens.
2. Compliance: All building and land use applications shall provide information to show compliance with this Section.
  - a. Proposed projects with outdoor lighting shall provide the proposed location, height, and orientation of lighting fixtures, fixture details, supports, shielding, and lamp specifications.
  - b. The Lighting Official may require additional technical information for large projects, including but not limited to any or all of the following:
  - c. Manufacturer's photometric data, plots of illuminance, product specifications or access to Illuminating Engineering Society of North America (IESNA)-formatted electronic data files for the installation.
  - d. Photometric layout showing luminaires and initial and maintained horizontal and vertical illuminance within the site and to 20 feet beyond the property boundary, maxima, minima, and uniformity ratios on a grid no greater than 10 feet by 10 feet.
  - e. Deviations from requirements of this Section may be requested prior to submittal of an application or at the same time as the application submittal. The Planning and Zoning Commission will review and act on the deviation request at a public meeting. The applicant must demonstrate each of the following:
  - f. The proposed deviation is justified by unusual circumstances and appropriate to the location of the lighting and the surrounding neighborhood.
  - g. The proposed deviation will not unreasonably diminish the health, safety, or welfare of the surrounding neighborhood uses.
  - h. The proposed deviation substantially conforms to these exterior lighting regulations.

3. Requirements. Except as provided below, exterior lighting shall use fully shielded fixtures.
4. Color: High-pressure sodium lamps should be used for commercial and public land uses. However, other types of lamps may be used for land use applications, such as retail sales lots, where a need for color rendition necessary to the light's function can be demonstrated. Lamps with a color rating of 3000K or less should be used. The illuminance limits in this Section may be reduced, at the discretion of the Lighting Official, to account for the visual response to lights having a higher content of blue light.
5. Light trespass: All non-residential outdoor lighting fixtures emitting more than 2000 lumens shall be shielded such that the illuminance does not exceed 0.1 foot candles at the property boundary with a residential use or 0.2 foot candles at the property boundary with a non-residential use.
6. Exceptions. These outdoor lighting regulations do not apply to the following applications:
  - a. Holiday lighting.
  - b. Temporary emergency lighting needed by the fire, police, or ambulance district/department, or other emergency services.
  - c. Highway projects constructed or bid by the State Idaho Transportation Department (ITD) or federal government.
  - d. Lighting of radio, communication and navigation towers provided the landowner demonstrates that the Federal Aviation Administration (FAA) regulations require the use of lighting that does not comply with these regulations.
  - e. Lighting for flags, provided:
  - f. The flag conveys a non-commercial message.
  - g. The light is shielded to prevent glare.
  - h. The maximum lumen output is one thousand three hundred (1,300) lumens.
  - i. Down-lighting of flags is encouraged.
7. Prohibitions. The following applications, unless exempted by D above, are prohibited:
  - a. Flashing, blinking, intermittent lights or other lights that move or give the impression of movement.
  - b. Searchlights, high intensity floodlights, laser source lights, illusion lights, or any similar high intensity light.
8. Public and commercial Lights:
  - a. Parking area and other area lights: The height of parking area and other area lights, including wall mounted lights, shall not exceed 20 feet. Such lighting shall not exceed a maximum initial horizontal illuminance of 4.0 foot-candles.
  - b. Outdoor retail areas: All lights mounted on or within the lower surface of a canopy shall be fully recessed or fully shielded. Shielding provided by the surrounding canopy structure or the edge of the canopy is not sufficient. Approach and driveway lighting shall not exceed a maximum horizontal illuminance of 4.0 foot-candles; pump island or merchandise area lighting - 20 foot-candles; building facade or services area - 5.0 footcandles.

- 1 c. Buildings: Building entrances may have up to 4000 lumens, except  
2 entrances/exits at senior care facilities, police stations, fire stations, and  
3 emergency rooms or vehicle entrances may have up to 8400 lumens in addition  
4 to the foot-candle limits.

5 9. Signs:

- 6 a. Externally lit signs shall be illuminated only with steady, stationary, shielded light  
7 sources directed solely onto the sign from above without causing glare. Lamps  
8 used for illuminating a sign shall be simple in form and should not clutter the  
9 building or structure. All light sources should shine only down.
- 10 b. Lights that flash or move in any manner, colored lights, and exterior neon signs  
11 are prohibited.
- 12 c. Internally lit signs shall have a dark or opaque background.

13 10. Street lighting: Streetlights should be high pressure sodium. Streetlights along  
14 residential streets shall be limited to a maximum rated lamp lumens of six thousand  
15 four hundred (6,400). Streetlights shall have distributions or house side shields that  
16 limit lighting of residences, and shall be between 12 feet and 20 feet in height.  
17 Streetlights are discouraged in areas that are naturally dark.

18 11. Athletic facilities. Luminaires for special purpose facilities, including arenas,  
19 amphitheaters, or playing field facilities shall be fully shielded, or be designed so as  
20 to minimize up-light, light trespass, and glare. Such facilities shall be lighted to the  
21 levels recommended by the IESNA Recommended Practice IESNA 06-01 or its  
22 successors for Subdivision I or IV facilities as applicable. All recreational lighting shall  
23 be turned off within 30 minutes of the completion of the last game, practice, or event.  
24 In no case shall recreational lighting occur after 11:00 P.M. except to conclude a  
25 specific sporting event that is underway.

26 12. Residential Lights. Residential fixtures in the A-20, A-2.5, R-I, and R-2 districts shall  
27 conform to the following provisions:

- 28 a. Exterior lighting on residences brighter than a 60 watt incandescent light, or  
29 brighter than a 75 watt incandescent light if controlled by a motion detector, shall  
30 be shielded so that no light is projected above the horizontal, and the lamp shall  
31 be diffused or shielded so that it cannot be seen from roadways, public areas, or  
32 any other property.
- 33 b. Floodlights are discouraged. Floodlights on residences with external shielding  
34 shall be permitted provided that they are angled so that the centerline of the light  
35 beam is directed below a 30° angle measured from the vertical line from the  
36 center of the light extended to the ground, and only if the fixture does not cause  
37 glare or light to shine on adjacent property or rights-of-way. Motion detector lights  
38 are encouraged, but they shall meet the requirements for floodlights.

39 13. Operation of Lighting. All nonessential exterior commercial and recreational lighting  
40 shall be turned off after business hours and/or when not in use. Lights on a timer are  
41 encouraged. Sensor activated lights that shut off five (5) minutes after activation  
42 ceases are encouraged if lights are needed for security purposes.

43 14. Existing Lighting. All existing exterior lighting in Teton County installed before the  
44 effective date of this amendment shall be brought into conformance with this section  
45 within the following time periods:

- a. All existing exterior lighting located on a property that is part of a building or land use application is required to be brought into conformance with this section before issuance of a certificate of occupancy, final inspection, or final plat recordation, whichever is applicable. For permits, the applicant shall have a maximum of 30 days from date of permit issuance to bring the lighting into conformance.
- b. All other existing exterior lighting on property used for residential, commercial, institutional, or any public and semipublic uses that is not in conformance with this article shall be brought into conformance with this article within ten (10) years from the date of adoption of this article.

15. Definitions. The following definitions apply to this Section:

- a. Color temperature. Color characteristics of light (temperatures) measure the appearance of the light from warm (yellows/red) to cool (white). Color temperature is rated in degrees of Kelvin and does not reflect the physical temperature (or heat) of a lamp. Light sources such as incandescent bulbs (2700 degrees Kelvin) and halogen lamps (3000 degrees Kelvin) are at each end of the color spectrum.
- b. Distribution. The pattern of light produced by a lamp or light fixture.
- c. Floodlighting. An indiscriminate way of lighting an area that is usually associated with outdoor security or utility functions. The light is projected in a broad beam. These lights often blend into the landscape of a home.
- d. Foot-candle (fc). The American unit used to measure the total amount of light cast on a surface (illuminance). The unit of illuminance when the foot is taken as the unit of length. Also, it is the illuminance on a surface one square foot in area on which there is uniformly distributed one lumen.
- e. Full cut-off luminaires. An industry recognized term meaning: A luminaire designed and installed such that no light is emitted at or above the horizontal, and limited light (100 candela per thousand lamp lumens) is emitted everywhere between horizontal and 10 degrees below horizontal. A full cutoff luminaire is also fully shielded.
- f. Fully shielded. The luminaire and its mounting, taken as a whole, that allows no direct light above the horizontal. Fully shielded is not necessarily full cut-off.
- g. Glare. Stray light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.
- h. Height (of light). The height shall be measured from finished grade to the lamp center or lens surface, whichever is lower.
- i. Holiday lighting. Strings of individual lamps, where the lamps are at least three inches (3") apart and the output per lamp is not greater than 15 lumens.
- j. House side shield. An internal or external shield on a fixture that limits light in one direction.

- k. IESNA recommended publication. A publication of the Illuminating Engineering Society of North America.
- l. Illuminance. The amount of light, measured in foot-candles, falling on any point of a surface. All illuminance values in this title shall be initial values based on new lamps and fixtures. Unless otherwise specified, "illuminance" refers herein to horizontal illuminance, measured at ground level.
- m. Kelvin. A unit of temperature. In this ordinance, it refers to the Correlated Color Temperature (CCT), a measure of the color spectrum of a lamp. A lower CCT indicates a "warmer" or less bluish light source.
- n. Lamp. The generic term for an artificial light source, e.g. bulb, to be distinguished from the whole luminaire.
- o. Light trespass. Light falling on the property of another property or a right-of-way when it is not required to do so.
- p. Lighting official. The person designated by the Board to administer this Section.
- q. Lighting plan. Documents specific to a land use that describe the location and characteristics of all exterior lighting and the light levels on the property and at the property boundaries.
- r. Lumen. A rating; a manufacturer-supplied measure of light emitted from a lamp. All lumens in this Section are initial lumens, that is, the amount emitted by a new lamp after 100 hours of seasoning. Lumens are usually listed on lamp packages as "Light Output". Also, the amount of light a bulb produces or a quantitative unit measuring the amount of light emitted from a light source.
- s. Luminaire. The complete lighting unit, including the lamp, the fixture, and other parts.
- t. Motion detector. A device that activates a luminaire when it senses motion. To meet the exemptions in this Section, motion detectors must sense motion only on the property on which it is installed and must switch the luminaire off within five (5) minutes after detected motion ceases.

## **CHAPTER 11**      Relative Development Standards – GYF

### **08-11-1:**      What this Chapter Does. **[RESERVED]**

**08-11-2:**      Process of Certification. The Teton GY-Framework is a self-assessing system, backed up by documentation and third-party verification. The project team evaluates the strategies and technologies chosen for the project against the GY-Framework criteria. Prerequisites are required for certification and all prerequisites in all categories must be met by all projects.

**A.**      To aid in interpretation of the credit, the credit intent must be met. If a strategy or technology supports the project in meeting the credit intent, then the point can be awarded.

**B.**      Every prerequisite and credit contains the following:

1. Credit intent

- 1                   2. Requirements
- 2                   3. Documentation/submittal requirements
- 3   **C.**       100 Possible Points, plus special credit opportunities
- 4                   1. POINTS     CERTIFICATION LEVELS
- 5                   2. 0 – 29       Non-Participating
- 6                   3. 30 – 39       Compliant
- 7                   4. 40 - 49       Certified
- 8                   5. 50 - 59       Silver
- 9                   6. 60 -79       Gold
- 10                  7. 80 – 100     Platinum
- 11   **D.**       Credit Categories
- 12                  1. PPI = Project Planning and Investments: 6 Possible Points
- 13                   a. 1 prerequisite - Asset Inventory and Spirit of Place
- 14                  2. LUC = Land Use and Conservation: 13 Possible Points
- 15                   a. 0 prerequisites
- 16                  3. BD = Biodiversity: 13 Possible Points
- 17                   a. 1 prerequisite - Coexisting with Wildlife
- 18                  4. CHV = Cultural and Historical Values: 9 Possible Points
- 19                   a. 0 prerequisites
- 20                  5. RR = Recreation Resources: 10 Possible Points
- 21                   a. 0 prerequisites
- 22                  6. BE = Built Environment: 15 Possible Points
- 23                   a. 1 prerequisite - LEED Prerequisites
- 24                  7. PSI = Public Service and Infrastructure: 15 Possible Points
- 25                   a. 1 prerequisite - Code Compliance
- 26                   b. 2 prerequisite - Water Metering
- 27                  8. TC = Transportation and Connectivity: 10 Possible Points
- 28                   a. 1 prerequisite - Transportation Plan
- 29                  9. CV = Community Vitality: 9 Possible Points
- 30                   a. 1 prerequisite - Community Engagement
- 31                  10. SCO = Special Credit Opportunities: 12 Possible Points not included in the 100 point
- 32                   Project Total
- 33                   a. 0 prerequisites
- 34
- 35   **08-11-3:**     Project Planning and Investment (PPI)

**A.** Introduction. This credit category brings together issues and opportunities proven to be essential components of a successful sustainable project. At the beginning of the project, it is critical to learn about the site, and secure professional assistance to gain sufficient understanding of the process. The prerequisite requires an inventory be taken of the site's natural and cultural assets; and a statement, developed by the team, written about the "Spirit of Place" specific to the project.

Inventories will vary depending on the nature of the site proposed for development. A successful inventory that enables the most sustainable and responsive design may require examination of some items, such as significant view corridors or transportation beyond the boundaries of the site. The best inventories enable identification of opportunities and constraints on site development. Understanding the site proposed for development is an essential first step in designing a truly sustainable and regionally relevant project.

As the team conducts the inventory, it is important to discuss the "Spirit of Place." A simple statement that embodies and expresses an understanding of the site, in context of the community, can be a unifying theme during project decision making.

Changing from conventional design and construction practices requires new education, research, and effort, and this credit category awards points for engaging qualified professionals who are committed to sustainability. A point can also be earned for using the expertise of cultural and historical professionals in the region.

A sustainable project gives back to the community throughout its life cycle. Support for local and regional businesses, by building with materials from within 500 miles of the project site, as well as ongoing employment of local designers, builders, craftsman, and service providers are essential elements of any sustainable project.

Long-term community viability requires the sustainably constructed project to remain green. Project teams that develop a plan for ongoing credit compliance and continuous improvement, once the project is occupied, can earn points in this credit category. Financial investments through donations to local organizations, that share the sustainability vision and mission, are also recognized in this credit category.

**B. Asset Inventory and Spirit of Place**

1. PPI Credit: Prerequisite, required for ALL.

2. Intent. To gain a complete understanding of the site and its surroundings, and ensure that the development is responsive and respectful of its place in the Greater Yellowstone ecosystem.

3. Requirements

a. Prepare a "Spirit of Place" statement of two pages or less describing the essence of the project and how the project responds to the unique characteristics of the site.

b. Prepare a site description for the project site plus 200 yards beyond the perimeter that addresses the following categories. If only a portion of the site is to be developed, the inventory should extend a distance of at least the width of the developed area outwards from the perimeter of the disturbed area.



- i. Natural Environment - Include a resource habitat and native vegetation inventory describing existing conditions of the development site, vegetative cover and habitat. At a minimum, this category inventory must include the following:
  - a. Identification and classification of mesic, non-mesic, and agricultural land cover types
  - b. Identification of endangered species habitat
  - c. Identification of heritage and champion trees
  - d. Describe all wildlife, topography, water, view corridors, and other landscape features
- ii. Built Environment - Describe existing structures, utilities, transportation services, and other infrastructures.
- iii. Cultural Environment - Describe historic buildings or archeological sites, significant events that occurred on or near the site, and community assets such as proximity to schools or churches.
- c. Explain how site features in all three categories shaped the final development.
4. Submittals.
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. Include an inventory and site description covering the three categories above and how these features shape the final development.

**C. Region-Based Accredited Professional**

1. PPI Credit: 1 Point
2. Intent. To promote integration of sustainable design strategies into development projects by hiring accredited professionals from the Greater Yellowstone region.
3. Requirements
  - a. At least one member of the project team shall be a LEED AP, from the Greater Yellowstone region, for the project. (1 point)
  - b. In the future, this credit may be earned by retaining a GY-Framework Accredited Professional.
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. Provide documentation of accreditation.

**D. Qualified Professional – Cultural Resources**

1. PPI Credit: 1 Point
2. Intent. To support and encourage the integration of cultural and historic values important to the Greater Yellowstone region.
3. Requirements

- a. At least one principal participant of the project team shall have a professional qualification in one of the following fields and shall be based in the Greater Yellowstone region: archeology, anthropology, history, historic architecture, or historic preservation. (1 point)
  - b. Qualifications can be met by:
    - i. A baccalaureate degree plus two years of experience.
    - ii. OR, A graduate degree.
    - iii. OR, Five years of work experience
4. Submittals
    - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include the professional's name, title, company or institution, contact information, and how the individual meets the qualification requirement and how they contributed to the project.

**E. Local/Regional Business Support**

1. PPI Credit: 1 Point
2. Intent. To encourage diversity and prosperity in the local/regional economy by utilizing local professionals for your project's design and construction.
3. Requirements
  - a. Use a local or regional developer, architect, engineer, or contractor so that the location of their company is within 250 miles of the development site. (1 point)
  - b. If the company or consultant is local or regional AND 20% of the company is LEED AP or GY- Framework accredited, an innovation point can be earned for exemplary performance.
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the development owner, identifying qualified business partners or services, and their distance from the site.

**F. Sustainability Investments**

1. PPI Credit: 1-2 Points
2. Intent. To help dispersed populations become better connected and learn to live more sustainably. This credit will reward those who go beyond the minimum requirements to help underwrite real regional change.
3. Requirements. Choose at least one of the following options or bring forth other ideas for consideration. A minimum total investment of \$10,000 is required.
  - a. Contribute financially to a community recycling bin, household hazardous waste day, or electronic waste collection events to help reduce volumes of waste entering the landfill. (See BE 3.1)
  - b. Donate to local efforts to bring in community shared services that will improve water, wastewater, and energy systems. This contribution must go directly into an "earmarked or restricted" account specifically for conservation or environmental preservation and NOT into the general fund of the receiving organization. (See PSI 5)

- c. Contribute to an established outdoor education program to deliver comprehensive interpretive programs that cover topics important to the region such as natural history, ecology, culture, history and geological features specific to the area. (See RR 4)

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, ONE of the following:
  - i. Option 1: Documentation of participation and leadership.
  - ii. Option 2: Cancelled check written to cooperating organization
  - iii. Option 3: Provide a narrative of action taken with a plan to continue implementation.

**G. Continuous Improvement (Plan for Ongoing Compliance)**

1. PPI Credit: 1 Point

2. Intent. To ensure continued compliance with awarded credits.

3. Requirements

- a. Develop a plan for re-evaluating the project every six months for two years following certification in regards to on-going GY-Framework credit compliance.
- b. AND, Commit to continuous improvement in any two credit categories, including opportunities for innovation.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, A letter of commitment, signed by the owner, to at least five steps (minimum 10 total) toward continuous improvement in any two credit categories. The letter should include: why these credits are important to the project, how the commitment will be kept, what processes are in place or will be put into place to support ongoing upgrades, who will be responsible for implementation, monitoring, and reporting progress and challenges, and the budget source for continuous improvement.

**08-11-4: Land Use and Conservation**

- A.** Introduction. The Asset Inventory and “Spirit of Place” prerequisite (see above) is designed to shape the developer’s understanding of the site in context of the surrounding community. This understanding should form the basis for the uniting concepts that will guide project decision making in all the LUC credits.

At the core of the LUC credits is an approach to thinking about development density. This is as an opportunity to recognize those projects that move beyond the recent development pattern that has created a system of disconnected, sprawled developments within the Greater Yellowstone ecosystem. The density credit is structured to reward projects that are designed and located to limit impacts on the defining ecosystem values.

1 The remaining LUC credits address key development issues unique to, or characteristic  
2 of, this high mountain region. Maximum points will be achieved by projects that  
3 emphasize long-term preservation of open space, sensitive resources, visual quality,  
4 and community well-being.

5 The environmental issues addressed by the LUC credit category include: choosing  
6 appropriate sites so that sensitive resources are protected, minimizing slope  
7 disturbance, protections of existing views, protection of views of the night sky and  
8 nocturnal habitat, minimization of risk from natural disasters, conservation of land  
9 resources and reduced environmental impact through increased density of the built  
10 environment, restoration of contaminated sites, and conservation of land into perpetuity.

11 Innovation is encouraged and exemplary performance will be awarded additional points.

12 **B. Sensitive Resources**

13 1. LUC Credit: 2 Points

14 2. Intent. To preserve ecosystem processes, while minimizing cultural and  
15 environmental impacts from use and development in the Greater Yellowstone region.

16 3. Requirements

17 a. Do not develop buildings, hardscape, roads, or parking areas on portions of sites  
18 that meet any of the following criteria: (2 points)

19 i. Prime farmland as defined by the United States Department of Agriculture in  
20 the United States Code of Federal Regulations, Title 7, Volume 6, Parts 400  
21 to 699, Section 657.5 (citation 7CFR657.5).

22 ii. Cultural or historic areas, including Native American gravesites, trail rest  
23 stops, river accesses etc.

24 iii. Previously undeveloped land whose elevation is lower than 2 feet above the  
25 elevation of the 100-year flood as defined by FEMA.

26 iv. Previously undeveloped land which is specifically identified as habitat for any  
27 species on Federal or State threatened, endangered, or species of concern  
28 lists.

29 v. Within 100 feet of any wetlands as defined by United States Code of Federal  
30 Regulations 40 CFR, Parts 230-233 and Part 22, and isolated wetlands or  
31 areas of special concern identified by state or local rule, OR within setback  
32 distances from wetlands prescribed in state or local regulations, as defined  
33 by local or state rule or law. On a previously undeveloped site, the setback  
34 should be whichever is more stringent. On an infill site, the local or state rule  
35 or law shall be the required setback.

36 vi. Previously undeveloped land that is within a minimum of 100 feet from all  
37 natural jurisdictional bodies of water OR within setback distances prescribed  
38 in state or local regulations, as defined by state rule or law, whichever is  
39 more stringent.

40 vii. Land which prior to acquisition for the project was public land, unless land of  
41 equal or greater value (as defined by public landowner) as public land is  
42 accepted in trade by the project landowner. It is the intent of this criterion that  
43 the public landowner has valued and identified the potential trade parcel as  
44 appropriate. Any public access points existing prior to a trade shall remain.

1 4. Submittals

- 2 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
3 declaring that the site is appropriate and the requirements have been met.  
4 b. FEMA map, soil map, or map of project site with surrounding lands that illustrates  
5 how development has avoided sensitive resources.

6 **C. Slopes**

7 1. LUC Credit: 1 Point

- 8 2. Intent. To minimize disturbance, erosion of steep slopes, and changes in grade;  
9 reduce habitat impacts, cleared area and cut and fill volume; and diminish fire and  
10 earthquake danger.

11 3. Requirements

- 12 a. Build on sites that have no slopes greater than 25%. (1 point).  
13 b. OR, On previously developed sites with slopes greater than 25%. (1 point)  
14 c. For either a. or b., comply with the following (Treat any fractions of the site that  
15 have not been previously developed by complying with the requirements for sites  
16 that are not previously developed as set forth below).  
17 i. Reduce disturbance and erosion by:  
18 a. Green design and construction to reduce cut and fill volume  
19 b. Using mechanically stabilized earth, soil nails, or other retention systems  
20 to reduce cut and fill volume of roads, parking lots, and graded areas, as  
21 well as resist erosion  
22 c. Using best available control technology for erosion control  
23 d. Restoring slopes with native or adapted vegetation.  
24 ii. Apply creative evaluation and technology by:  
25 a. Geological analysis to facilitate development on slope segments that are  
26 less vulnerable to erosion and slope instability, and are capable of  
27 standing at steeper angles (e.g., resistant bedrock)  
28 b. In rare instances, tunneling  
29 c. Biological evaluation to reduce habitat impact (e.g., some slope  
30 segments may have vegetation that is less attractive to wildlife)  
31 d. No flat topping of hillsides.  
32 iii. Note: Some codes and guidelines suggest setbacks from top and toe of  
33 steep slopes. It is typical to avoid construction within 50 feet of the top of the  
34 slope, and 75 feet from the toe of the slope. These values may be revised by  
35 geotechnical evaluation of slope stability.

36 4. Submittals

- 37 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
38 declaring that the requirements have been met.  
39 b. AND, Provide topographic site drawings indicating slopes and highlighting  
40 landscape and habitat restoration.

- c. AND, Copy of the relevant sections from CC&R's, jurisdictional ordinance or code, or other binding development documents.
- d. AND, Three photos of site plus site map showing grade.

**D. Views: Visual Quality**

- 1. LUC Credit: 1 Point
- 2. Intent. To minimize the impacts of development on existing views.
- 3. Requirements
  - a. All Projects:
    - i. Off-site signage or billboards are prohibited. (Directional signs that comply with local signage regulations during initial construction are acceptable).
    - ii. No sign may be backlit. Any lighting must comply with the Night Sky (LUC 3.2) requirements.
    - iii. No temporary signage is permitted in place for more than 30 days. (Signs during construction process are excluded.)
    - iv. If signs are present, comply with local design guidelines or regulations.
    - v. Incorporate cell or communication towers or devices into the built environment or locate so that they are not visible from off-site within 1.5 miles.
  - b. AND Previously Undeveloped Sites:
    - i. Locate development so that it is not on a ridgeline or hill that may protrude into the skyline when viewed from a federal, state or county road within 2 miles. Place development so when viewed against forests or vegetative hillsides it is camouflaged.
    - ii. Forestry and Vegetative Communities - Provide documented evidence that clearing and grubbing efforts completed during site development are a long term betterment to existing ecosystem and done in a manner to mimic the natural patterns of relative communities (i.e., tree farm federal program, mitigation, defensible space to area, etc.)
    - iii. Balance of materials on site - Development that does not require additional landform created or displaced beyond the boundaries of property.
    - iv. Choose exterior finish materials of colors that are the same color tones or complement the surrounding environment.
- 4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. Provide site and signage plan, elevations (when appropriate), sample materials list, and photographs of existing buildings that present context.

**E. Views: Night Sky**

- 1. LUC Credit: 1 Point

- 1                   2. Intent. To minimize light trespass from the building and site, reduce sky-glow to  
2                   increase night sky access, improve nighttime visibility through glare reduction, and  
3                   reduce development impact on nocturnal environments.
- 4                   3. Requirements. Comply with local night sky ordinances or the following: (whichever is  
5                   more stringent) (1 point)
- 6                   a. For Interior Lighting:
- 7                   i. EITHER, The angle of maximum candela from each interior luminaire as  
8                   located in the building shall intersect opaque building interior surfaces and  
9                   not exit out through the windows.
- 10                  ii. OR, All non-emergency interior lighting shall be automatically controlled to  
11                  turn off during daylight and non- business hours. Provide manual override  
12                  capability for after-hours use.
- 13                  b. AND, For Exterior Lighting:
- 14                  i. Only light areas as required for safety and comfort. Do not exceed 80% of  
15                  the lighting power densities for exterior areas and 50% for building facades  
16                  and landscape features as defined in ASHRAE/IESNA Standard 90.1-2004,  
17                  Exterior Lighting Section, without amendments. All projects shall be classified  
18                  under one of the following zones, as defined in IESNA RP-33, and shall  
19                  follow all of the requirements for that specific zone:
- 20                  ii. LZ1 — Dark (Park and Rural Settings). Design exterior lighting so that all site  
21                  and building-mounted luminaries produce a maximum initial luminance value  
22                  no greater than 0.01 horizontal and vertical foot-candles at the site boundary  
23                  and beyond. Document that 0% of the total initial designed fixture lumens are  
24                  emitted at an angle of 90 degrees or higher from nadir (straight down).
- 25                  iii. LZ2 — Low (Residential areas). Design exterior lighting so that all site and  
26                  building mounted luminaries produce a maximum initial luminance value no  
27                  greater than 0.10 horizontal and vertical foot-candles at the site boundary  
28                  and no greater than 0.01 horizontal foot-candles 10 feet beyond the site  
29                  boundary. Document that no more than 2% of the total initial designed fixture  
30                  lumens are emitted at an angle of 90 degrees or higher from nadir (straight  
31                  down). For site boundaries that abut public rights-of-way, light trespass  
32                  requirements may be met relative to the curb line instead of the site  
33                  boundary.
- 34                  iv. LZ3 — Medium (Commercial/Industrial, High-Density Residential). Design  
35                  exterior lighting so that all site and building mounted luminaries produce a  
36                  maximum initial luminance value no greater than 0.20 horizontal and vertical  
37                  foot-candles at the site boundary and no greater than 0.01 horizontal foot-  
38                  candles 15 feet beyond the site. Document that no more than 5% of the total  
39                  initial designed fixture lumens are emitted at an angle of 90 degrees or  
40                  higher from nadir (straight down). For site boundaries that abut public rights-  
41                  of-way, light trespass requirements may be met relative to the curb line  
42                  instead of the site boundary.
- 43                  v. LZ4 — High (Major City Centers, Entertainment Districts). Design exterior  
44                  lighting so that all site and building mounted luminaries produce a maximum  
45                  initial luminance value no greater than 0.60 horizontal and vertical foot-  
46                  candles at the site boundary and no greater than 0.01 horizontal foot-candles  
47                  15 feet beyond the site. Document that no more than 10% of the total initial

designed site lumens are emitted at an angle of 90 degrees or higher from nadir (straight down). For site boundaries that abut public rights-of-way, light trespass requirements may be met relative to the curb line instead of the site boundary.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND EITHER, A copy of the local night sky ordinance, if any, with site plan showing details of lighting plan, and include fixture cut sheets.
- c. OR, Calculations showing above requirements have been met.

**F. Defensible Space**

1. LUC Credit: 1 Point

2. Intent. To minimize risk of damage from natural hazards such as floods, avalanches, fires, landslides, and earthquakes by approved design and construction techniques.

3. Requirements

- a. Perform flood hazard, wind, earthquake, fire, geological and avalanche risk assessments in accordance with local, state, or federal regulations prior to selection of any development site.
- b. AND, Fully comply with all applicable elements of the most recent edition of the international building codes adopted by the state or local jurisdiction. If no building code has been adopted, comply with the most recently published edition published by the International Code Council, [www.iccsafe.org](http://www.iccsafe.org).
- c. AND, Select site locations for development in areas out of the aforementioned hazards. (1 point)
- d. OR, Provide mitigation measures that overcome aforementioned hazards. (1 point)

4. Submittals

- a. Provide the GY-Framework Letter Template that details existing conditions in a Natural Hazard Report, signed by the responsible party, declaring that the requirements have been met.
- b. AND, Description of approved design and construction techniques used to overcome hazards.
- c. AND, Document compliance with international building codes following inspection by qualified third party. A county or municipal building department inspection satisfies this intent.

**G. Density and Open Space**

1. LUC Credit: 2-4 Points

2. Intent. To encourage development within existing communities and developed places, to preserve open space and to reduce multiple environmental harms associated with sprawl.

3. Requirements



- a. Design and build the project to achieve the average densities of dwelling units (DU) and/or non-residential floor area ratios (FAR) per buildable land shown below:
    - i. Residential areas:
      - a. Chart (1-3 points)
    - ii. OR, Commercial/Industrial, Multi-use, High-Density Residential:
      - a. Chart (1-3 points)
    - iii. OR, For Non-Residential uses:
      - a. Design and build the project using a plan that could accommodate a change of use. Develop concept master plans that layout several alternate uses, i.e., residential units above parking areas, office use in retail space and/or retail use of ground floor residential space. Structure platting and covenant documents to provide for a reasonable review of such changes. (1 point)
  - b. AND, If within a municipality, locate the project in either of the following locations:
    - a. An infill site
    - b. A previously developed site
  - c. OR, If the development is outside of a municipality or areas at the minimum densities referenced above, develop the project using the following limitations (1 point)
    - i. Chart of minimum open space
4. Submittals
    - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
    - b. Provide proof of jurisdictional approval of proposed density.
      - i. A map of the vicinity demonstrating that the project is located on either an infill site or a previously developed site
      - ii. A site plan indicating densities by parcel
      - iii. A table of calculations of the densities of any residential components, nonresidential components, and mixed use buildings

#### **H. Brownfield and Restoration**

1. LUC Credit: 1 Point
2. Intent. To reduce pressure on undeveloped land by encouraging the reuse of sites where development must remediate previous environmental contamination.
3. Requirements
  - a. Locate project on a site, part or all of which is documented as contaminated (by means of an ASTM E1903- 97 Phase II Environmental Site Assessment or a local Voluntary Cleanup Program).
  - b. OR, On a site defined as brownfield by a local, state or federal government agency.

- c. AND, Remediate site contamination such that the controlling public authority approves the protective measures and/or clean-up as effective, safe, and appropriate for the future use of the site. (1 point)
- d. Note: EPA Superfund Brownfield sites in areas identified by state level equivalent programs to those listed above will also qualify.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, Confirmation of whether any part of the project site was determined contaminated by means of an ASTM E1903-97 Phase II Environmental Site Assessment.
- c. OR, Was defined as a brownfield site by a local, state, or federal agency.
- d. AND, Narrative describing the site contamination and remediation efforts undertaken or to be undertaken by the project engineer.

I. Land Conservation

1. LUC Credit: 1-2 Points

2. Intent. To preserve in perpetuity undeveloped lands that have important natural or cultural resources.

3. Requirements. Protect critical habitat and sensitive vegetative areas in perpetuity by easement or deed restriction.

a. For all sites:

- i. Ensure protection of the land from development in perpetuity. The land must be within 30 miles of the project and must be identified by a local, state, or national government as important for conservation for natural or cultural purposes. Land for this credit may not be used as mitigation required by law.

b. AND, For previously undeveloped rural sites:

- i. Acquire fee title or conservation easements on off-site land that is equal to or larger than 75% of the area of the project or 30 acres, whichever is larger. (1 point)
- ii. OR, Acquire fee title or conservation easements on on-site land that is equal to or larger than 50% of the area of the project or 30 acres, whichever is larger. Area covered by this point is not to be contained within individual ownership lots. (1 point)

c. AND/OR FOR AN ADDITIONAL POINT, Transfer development rights from off-site property to conserve land and increase density of project. Acquire fee title or conservation easements on off-site land that removes development potential of at least 30% of the units. It is encouraged to use the removed development to increase density on proposed site. If present, local land regulatory agencies must accept the location of the off-site land and the effective voluntary transfer of development potential. (1 point)

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

- b. AND, Provide a copy of a contingent agreement with the off-site landowner that explains that the land or easements will be purchased, and how the land will be ensured protection from development in perpetuity.
- c. AND, A letter from a government entity having jurisdiction.

**08-11-5: Biodiversity**

**A.** Introduction. While much of the region surrounding the ecosystem has been transformed from high plains to agricultural use, the Greater Yellowstone region still contains nearly all the living organisms present in pre-Columbian times, though not in the same numbers. Given its extraordinary biological diversity, the Greater Yellowstone region has much to lose if the anticipated trends in building and development on private lands continue without needed protections.

The goal of this credit category is to ensure biodiversity is maintained and enhanced in the Greater Yellowstone region. The environmental issues addressed in this credit category include: adopting strategies that minimize wildlife-human conflicts, preservation of aquatic resources, conservation of surface and ground water, protecting wildlife habitat and migration corridors, managing landscapes to favor native vegetation and reduce invasive species, recognizing opportunities for habitat restoration and enhancement, appropriate use of fencing, and management of domestic animals.

Innovation is encouraged and exemplary performance will be awarded additional points.

**B. Coexisting with Wildlife**

1. BD Credit: Prerequisite, required for ALL.
2. Intent. To advance practices that minimize the potential for conflicts with wildlife and support a harmonious and safe relationship between humans and the environment.
3. Requirements
  - a. Properly contain all animal attractants (garbage, recycling, composting, and domestic animal food) in animal safe/bear proof containers.
  - b. AND, Eliminate private feeding of wildlife (salt licks, bird feeders, etc.) that lead to conflicts. On farms and ranches, employ sustainable storage for organic composting.
  - c. AND, In primary conservation areas or areas defined as occupied bear habitat, by the appropriate state wildlife agency, implement a plan for:
    - i. No new fruit trees
    - ii. No stocking of ponds that are storing water for firefighting, landscaping, etc.
    - iii. No permanent outside grills
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, Provide copy of guidelines developed, strategies adopted, and evidence of meetings with local agencies.

**C. Preservation of Aquatic Resources**

1. BD Credit: 1-3 Points

2. Intent. To preserve continuity and function of waterways and wetlands.

3. Requirements. Construction on sites adjacent to streams is commonly evaluated by floodway requirements: i.e., whether the site is within the 100-year floodplain. The actual impact of development is a function of the extent to which the development impedes fluvial processes, which include meander migration and other changes that need to be anticipated during the planning stage. Similarly, wetland impacts are commonly judged by affected acreage, rather than overall effects to function.

a. Wetlands and Stream Channels: The meander belt of a waterway is roughly outlined by the outside extent of the existing stream channel and includes associated wetlands. Development within this belt would be restricted, unless it can be established by professional evaluation that the channel is entrenched (i.e., that meander migration no longer occurs). Channel armoring is discouraged but may be permitted tangential to the outside of the meander belt, if it does not hinder downstream migration of meanders. Armoring must be consistent with natural material exposed in stream banks.

Development within jurisdictional wetlands on any given site shall be avoided in order to receive maximum points. If any development occurs in wetlands, steps must be taken to enhance wetland continuity and function and only 1 point can be achieved. Constructed wetlands must not only meet acreage requirements but must be demonstrated by professional evaluation to be consistent in function with patterns of existing regional wetlands. Consistency of function may include continuity with existing wetlands, unless the regional pattern is small, isolated wetlands (e.g., glacial potholes).

i. 2 points for placing development outside any wetlands and the meander belt;

ii. OR, 1 point for demonstrating that fluvial processes are not impeded by any development within these zones.

b. Aquatic Habitat: Development should enhance patterns of shading, introduction of woody debris, and other off-channel impacts to streams. Constructed or reclaimed streams should mimic regional channel patterns for similar streams, including channel geometry, meander wavelength, riffle and pool sequencing, and gradient. An aquatic biologist should evaluate potential aquatic effects of any instream improvements.

Constructed water features, primarily referring to off-channel self-contained ponds and small waterways are generally discouraged in the Greater Yellowstone region. If considered, they must enhance function and continuity of existing wetlands and maintain water and sediment delivery to adjacent streams. Instream dams on perennial streams must be demonstrated to preserve seasonal flow patterns and sediment delivery. Constructed channels should mimic similar natural channel patterns.

All stocked fishing pond species must be sterile. No credits will be awarded if stocked ponds have connectivity with natural aquatic systems. If water is diverted from streams that contain native fish populations, the diversions on that stream should be passable by native fish. The diversion should be constructed in a manner that would prevent entrainment.

- i. 1 point for demonstrating that the development has maintained the functional integrity of all aquatic habitats on or adjacent to the site.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include documentation of strategies taken to achieve this credit with summary of preservation and photographs where appropriate.
- b. AND, Provide a site plan highlighting all waterways and wetlands and illustrating where developments are located.

**D. Surface and Ground Water Conservation**

1. BD Credit: 1-3 Points

2. Intent. To preserve or improve water quality and quantity at and near the developed area.

3. Requirements

- a. Create a surface and ground water conservation plan with the assistance of hydrologists and water quality specialists that will protect water quality and quantity in streams and groundwater sources. The plan must identify ways to conserve water quantity and quality through reduced irrigation, efficient systems, alternative sources of water for irrigation, water harvesting and storage, and storm water runoff. The plan should prevent contamination of ground water from septic systems and other pollution sources and promote connecting to or building central sewer systems if up-gradient to existing wells within 1 mile. The plan should also provide hydrologic proof that the proposed water use will not deplete existing groundwater resources or nearby stream flows. The plan should address application of fertilizers and pesticides and show that all federal permit requirements and Best Management Practices (BMP) have been followed for managing storm water runoff.

- i. 1 point

b. AND, FOR UP TO 2 ADDITIONAL POINTS:

- c. Maintain no more than .25 acres of landscaping per property that must be irrigated by ground water sources.

- i. 1 point

- d. AND/OR, Integrate rainwater harvesting mechanisms into all structures to capture rainwater for landscaping or ground water recharge.

[www.harvestingrainwater.com](http://www.harvestingrainwater.com).

- i. 1 point

- e. Innovation points will be considered for those projects that can help restore surface flows by limiting consumptive use of water on the property and by legally designating the remainder of non-consumptive water rights for instream use.

- f. For further innovation points, projects can submit evidence that state water rights have been secured for instream purposes.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, For all sites, a water conservation plan and water table inventory is required, along with the proposed development footprint, list of proposed water uses, and impact to existing water resources.

**E. Habitat Conservation and Connectivity**

1. BD Credit: 1-2 Points
2. Intent. To reduce or mitigate habitat impacts and fragmentation associated with new developments.
3. Requirements
  - a. Contact the relevant state wildlife agency and request the following information to ensure understanding of, and compliance with, its official Comprehensive Wildlife Conservation Strategy (CWCS). If the agency is unable to provide such information, other creditable entities, such as the US Fish and Wildlife Service or the state's Natural Resource Data Center, may provide needed documentation.
    - i. Identify the Species of Greatest Conservation Need (SGCN) for the site.
    - ii. Determine key habitat needs required to sustain each identified SGCN.
    - iii. If any of the identified SGCN species are migratory, locate any corridors on the property that are accommodating or can accommodate seasonal wildlife movement.
  - b. Avoidance of Key Habitats and Corridors: Document that development design completely avoids and permanently protects habitats and corridors for all Species of Greatest Conservation Need on owned property
    - i. 2 points
  - c. OR, Habitat Mitigation Credit: Select the three SGCN species most impacted by the development for the design of habitat stewardship on or off-site. Evaluate the relevant habitat needs of each target species. For each potential habitat, evaluate how the area will accommodate target species needs. The plan must specifically address: vegetation, lighting, noise, proximity, and domestic animals including pets.
    - i. 1 point
  - d. AND/OR, Corridor Mitigation Credit: Design corridor stewardship plans for all migratory SGCN species impacted on the site. Evaluate the relevant corridor needs (including flyway) of each target species. For each potential corridor, evaluate how the area will accommodate movement by each target species. The plan must specifically address: vegetation, lighting, noise, proximity, and domestic animals including pets.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, Provide a map of the site which identifies the ecological system in which the property is located and delineates habitat areas for SGCN on site.

- 1 c. AND, Provide official documentation from the state wildlife agency or other  
2 creditable entity that identifies each SGCN species on site and lists those that will  
3 require habitat and/or corridor mitigation.

4 **F. Vegetative Management**

5 1. BD Credit: 1-2 Points

- 6 2. Intent. To conserve productive wildlife habitat by preserving native vegetation where  
7 feasible and by controlling invasive plant species.

8 3. Requirements

- 9 a. Locate development in areas that no longer possess native vegetation and/or  
10 habitat value.

- 11 i. 1 point

- 12 b. OR, Preserve native vegetation critical to habitat conservation. Develop a master  
13 plan for maintaining existing and restored vegetation.

- 14 i. 1 point

- 15 c. AND, With professional assistance, prepare a weed management and monitoring  
16 plan that includes:

- 17 i. Use the National Invasive Species Management Plan  
18 <http://www.invasivespeciesinfo.gov>.

- 19 ii. Inventory and map noxious weeds on the development site. Consider  
20 alternatives to toxic spraying as removal technique. Consider rangeland  
21 mitigation in context to adjacent riparian and water courses.

- 22 iii. All noxious weeds should be eradicated prior to commencement of any  
23 construction project.

- 24 iv. Implement restrictions that permit the planting of only native or non-invasive  
25 species in any landscaping.

- 26 v. Avoid site disturbance (defined as areas within designated roadway prisms,  
27 utility corridors or designated building envelopes per plat).

- 28 vi. Ensure proper management of invasive species throughout the buildout of a  
29 development.

- 30 vii. Implement policy of contact avoidance with noxious weed infested areas.  
31 Seeds can become stuck in tire treads or mud on the vehicle and be carried  
32 to unaffected areas.

- 33 viii. Avoid transport of unidentified flowering plants.

- 34 ix. 1 point

35 4. Submittals

- 36 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
37 declaring that the requirements have been met.

- 38 b. For all sites, an existing conditions site plan and inventory is required, along with  
39 the proposed development footprint, the zone of construction impact, and  
40 description of habitat and vegetation impacts.

- i. When identified in the existing conditions site plan, submit a map of noxious weed infestations on the property.
- c. A development site plan and summary report must also include the following:
  - i. Alternative site designs that must include measures taken to avoid impact to critical vegetation and habitat.
  - ii. Summary of the critical findings related to protection of habitat and vegetation.
  - iii. Outline of a long-term management plan that identifies responsible resources and funding in order to protect the habitat and vegetation.
  - iv. The inventory and report must be prepared by a professional who possesses the proper experience, education, certifications, and strong understanding of native ecology. Work with a local weed district to determine the appropriate strategy for preserving native species.
- d. AND, Provide copy of policies and implementation plans for eradication and control of noxious/non-native vegetation and monitoring of vegetation on site.

**G. Habitat Restoration and Enhancement**

- 1. BD Credit: 1 Point
- 2. Intent. Re-establish native wildlife habitat to pre-development conditions where site restoration is feasible OR promote biodiversity by enhancing wildlife habitats on disturbed/developed sites.
- 3. Requirements
  - a. For all sites, no new artificial water features are permitted.
  - b. Identify previously disturbed areas that, if restored, would enhance the overall value of the property in terms of habitat and wildlife values.
  - c. AND, Restore all disturbed areas (excluding the building or road footprints and associated structures).
    - i. 1 point
  - d. OR, Enhance all disturbed areas (excluding the building or road footprints and associated structures, walkways, decks, etc.) returning them to a natural state that conforms to surrounding habitat.
    - i. 1 point
  - e. OR, Restore, in conjunction with enhancement (a minimum of 50%), all disturbed areas (excluding the building or road footprints and associated structures, walkways, decks, etc.).
    - i. 1 point
- 4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

**H. Fence Siting and Materials**

- 1. BD Credit: 1 Point



2. Intent. Preserve the integrity and function of wildlife and riparian corridors by minimizing the amount of property fencing and where installed, using only wildlife friendly designs and materials.
3. Requirements
  - a. Minimize Fencing:
    - i. Use native vegetation, including trees and shrubs, to act as perimeter fencing
    - ii. Do not erect rigid fencing within any riparian and wildlife corridors.
    - iii. Restrict cross property fencing to within a 25 foot radius of a housing site for the purpose of controlling domestic pets.
    - iv. 1 point
  - b. OR, Make Fencing Wildlife Friendly:
    - i. For all sites, no fencing shall be of buck and rail design unless a step-down is added every 500 yards for wildlife migration.
    - ii. Follow the fencing specifications provided below. The asset inventory should show if the property contains:
      - a. Big game range
      - b. Any important seasonal migration corridor
      - c. Wildlife watering areas
      - d. Road or highway frontage
    - iii. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. Provide a site plan showing all fence lines.
  - c. Provide sketches or photos of all installed and planned fencing on site.

**I. Domestic Animal Management**

1. BD Credit: 1 Point
2. Intent. Reduce disturbance to wildlife from domestic animals.
3. Requirements
  - a. Implement CC&R's or policies that incorporate this language:
    - i. that all pets should be kept indoors, in outdoor enclosures, or on a leash;
    - ii. that pet owners neuter or spay their dogs and cats;
    - iii. pet litter/waste is the responsibility of the pet owner and shall be picked up;
    - iv. release of unwanted pets is prohibited including fish, reptiles and rodents;
    - v. that prohibits feeding of feral cats; and
    - vi. use alternative environmentally safe rodent control methods.
    - vii. 1 point

1                   4. Submittals

- 2                   a. Provide the GY-Framework Letter Template, signed by the responsible party,  
3                   declaring that the requirements have been met.
- 4                   b. Document strategies taken to meet the intent of this credit.
- 5                   c. AND, Submit copies of the CC&R's that exhibit the required language to satisfy  
6                   this credit.

7

8   **08-11-6: Cultural and Historic Values**

9   **A.**     Introduction. The goal of this credit category is to ensure that every project team takes  
10           the cultural and historic value of the site and existing buildings into account. Respect for  
11           our region's historical use of land and "locally available materials" is critical as we build  
12           new relationships with the land. Our greatest chance at creating a future of which we can  
13           be proud – and which best treats and respects our singular and diverse region – is to  
14           begin with an educated understanding of how we have historically developed and used  
15           the land, water, wind, and sun to our best advantage with minimal harm. We need to  
16           retain what our ancestors learned about building in the Greater Yellowstone region. We  
17           can craft our new development plans to respectively reflect and incorporate the built  
18           environment and sites of the past.

19           As the team moves forward with the project, it is imperative that adverse impacts to our  
20           historic resources be eliminated or kept to an absolute minimum. Adverse impacts are  
21           those which take historic resources away from us, forever. Creative approaches to  
22           retaining our historic properties will enhance our projects and give them a distinctiveness  
23           that will engage our souls. We preserve what inspires us and in turn, we inspire and  
24           educate others. As we approach projects for which adverse impacts cannot conceivably  
25           be avoided, we have an obligation to document the remains of the historic resource. This  
26           provides a path to the past even when the physical resource is gone.

27           Generating a simple "Statement of Significance" for each historic property will provide a  
28           basis of understanding what the cultural and/or historic resource is and why it is worthy  
29           of our attention and sensitive treatment. Used in conjunction with the "Spirit of Place"  
30           statement (see above), the "Statement of Significance" will be a reference point for  
31           project decision making.

32           The credits in this category include: planning so that cultural and historical  
33           characteristics of the site are retained and treated sensitively, rehabilitating and restoring  
34           historic structures, using building materials that reflect respect for local history and  
35           regional approaches, educating interested audiences about the history of the site, and  
36           using local experts to integrate cultural and historic values into the project.

37           Innovation is encouraged and exemplary performance will be awarded additional points.

38   **B.**     Cultural Resource Conservation and Management

39           1. CHV Credit: 1-2 Points

- 40           2. Intent. To preserve significant cultural sites from adverse impact or, if adverse  
41           impacts to site cannot be avoided, mitigate the impact through research and  
42           documentation.

3. Requirements. Avoid adversely impacting significant cultural sites or if a significant cultural site will be impacted, recover information based upon a scientific research design. If proposed developed area includes, or is in close proximity to, a significant cultural site, prepare an impact statement and present it to the local authority for approval. The local authority could be a State, Tribal, and/or Local Historic Preservation Officer.
  - a. Option 1: Avoid impact to significant cultural site by not developing within a reasonable distance as defined by the local authority.
    - i. 2 points
  - b. OR, Option 2: Develop scientific research design to recover information. Recover the information. Prepare report of findings and make available to the public.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template signed by the owner and the appropriate authority, declaring that the above requirements have been met.
  - b. AND, Statement of Significance
  - c. AND, Option 1: Documentation including photos, maps and/or drawings that demonstrate avoidance of the significant site(s). Include in documentation a letter from the appropriate authority that states the specified area has been avoided.
  - d. OR, Option 2: Research design and report of findings. Letter of State, Tribal, and/or Local Historic Preservation Office concurrence on 'No Adverse Effect' and Memorandum of Understanding signed by both parties for care of artifacts recovered.

**C. Conservation of Cultural/Historic Structures**

1. CHV Credit: 1-2 Points
2. Intent. To retain the values of significant historic structures, as identified in required asset inventory.
3. Requirements. READ THIS FIRST:  
[http://www.nps.gov/history/hps/tps/standguide/overview/choose\\_treat.htm](http://www.nps.gov/history/hps/tps/standguide/overview/choose_treat.htm)
  - a. Meet the appropriate Secretary of Interior's Standard for:
    - i. Restoration:  
[http://www.nps.gov/history/hps/tps/standguide/restore/restore\\_index.htm](http://www.nps.gov/history/hps/tps/standguide/restore/restore_index.htm)
    - ii. OR, Rehabilitation:  
[http://www.nps.gov/history/hps/tps/standguide/rehab/rehab\\_index.htm](http://www.nps.gov/history/hps/tps/standguide/rehab/rehab_index.htm)
    - iii. OR, Reconstruction:  
[http://www.nps.gov/history/hps/tps/standguide/reconstruct/reconstruct\\_index.htm](http://www.nps.gov/history/hps/tps/standguide/reconstruct/reconstruct_index.htm)
    - iv. OR, Preservation:  
[http://www.nps.gov/history/hps/tps/standguide/preserve/preserve\\_index.htm](http://www.nps.gov/history/hps/tps/standguide/preserve/preserve_index.htm)
    - v. AND/OR, Local Historic Preservation Standards adopted by the governing body.

- b. AND, Retain all significant structures in their original locations, incorporate and use them in the development.
  - i. 2 points
- c. OR, Retain half or more of the significant structures and use in the development; if there are multiple significant structures, but one structure is justifiably of more importance to the historic context, retain that structure and use in the development.
  - i. 1 point
- d. AND, Move one or more of the significant structures intact to another location and reuse.
  - i. 1 point

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. Provide a site plan with impacted vicinity map and a description of how the retained significant building/structure will be used.
- c. Provide a Historic Structure or a Compliance Report.
- d. AND, Documentation of how the Secretary of Interior's Standards for the Treatment of Historic Properties (from links above) have been met, including photographs, site plan/map, and other relevant documentation signed by a qualified professional (see PPI 2).
- e. AND, Letter of approval from the appropriate State, Tribal, and/or Local Historic Preservation Office(s), and a Memorandum of Understanding documenting ownership, use and long-term maintenance plans for relocated structure.

**D. Historically Appropriate New Construction**

- 1. CHV Credit: 1-3 Points
- 2. Intent. To encourage the use of traditional regional building practices, including site selection/location of structure(s) on the land, AND incorporate traditional regional construction materials and techniques and the requisite craftsmanship.
- 3. Requirements
  - a. Reflecting the Spirit of Place statement (PPI Prerequisite), use building materials that are, or appear to be, similar to those used traditionally in the area. For up to two points, use traditional, regional construction materials and techniques:
    - i. for the structural frame of building/structure, 1 point
    - ii. for finish components of building/structure, 1 point
  - b. AND/OR, Incorporate traditional regional building forms and site building(s) on the land as traditionally sited in the area.
    - i. 1 point
- 4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

- b. AND, where applicable, Confirmation by the local authority that the proposed construction complies with the Secretary of the Interior's Standards for Rehabilitation.
- c. AND, Narrative comparing the new construction to the traditional regional practices, addressing: building materials, forms and massing, and site selection. Documentation shall include: photographs, drawings, site plans/maps, elevation drawings depicting design and materials.

**E. Cultural/Historic Interpretation and Documentation**

- 1. CHV Credit: 1-2 Points
- 2. Intent. To provide and maintain the opportunity for learning about cultural and historic resources.
- 3. Requirements
  - a. Develop - for promulgation and safekeeping - a system of information to include site/structure reports, photographs, historical documentation, and other pertinent information on the site or property. Work with State, Tribal, and/or Local Historic preservation officers to identify where the information will be kept, who will collect the information, and how it will be maintained through time.
    - i. 1 point
  - b. AND/OR, Develop and install an interpretive display on site for the public. Explain how the display will be maintained and by whom.
    - i. 1 point
- 4. Submittals
  - a. The GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. Prepare a written plan that specifies what information will be collected, how and where it will be stored, and who will maintain the information. Submittals to a State, Tribal, and/or Local Historic Preservation officer become public property and therefore available for research or additional publication. Submittals kept with the property by private property owners will be subject to copyright and fair use laws at the discretion of the owner.
  - c. AND/OR, Prepare an interpretive plan including drawings, text, and/or site plan.

**08-11-7: Recreation Resources**

- A.** Introduction. The GY-Framework encourages its projects to address the issue of recreational carrying capacity on adjacent or nearby public lands. Points will be given to those developers who work with land management agencies to minimize the impact of their development on recreation resources and help construct public recreational facilities. Within this credit category, additional points will be given to those who seek to 1) educate their constituencies via interpretive signage and programs, 2) reduce user conflicts and encourage ethical outdoor behavior, and 3) help resolve public/private land and river access issues.

A credit for demonstrating sustainable operations is also provided in this category. Points are awarded for greening any existing commercial recreation operation, such as golf course, ski resorts, hunting/fishing guide services, etc. as demonstrations of treading lightly on the land.

Innovation and creative outdoor education programs are encouraged, and exemplary performance will be awarded additional points.

**B. Carrying Capacity**

1. RR Credit: 1-2 Points

2. Intent. To preserve high quality public and private recreation resources by reducing the negative impacts of increasing numbers of users.

3. Requirements

a. Option 1: For projects on or adjacent to public land that may cause potential impact to the environment and/or quality of recreation experiences:

i. Carrying Capacity Assessment and Plan: Assess your project's impact on public land recreation resources and opportunities in cooperation with appropriate resource management agencies, nonprofit organizations and interested businesses and individuals. Identify where recreational carrying capacity limits are likely to be approached or exceeded; note potential impacts from increased use, and outline mitigation options.

ii. Outline and submit to the lead resource agency a consensus plan for mitigation that is collaborative in approach.

iii. 1 point

b. AND, FOR AN ADDITIONAL POINT, Plan Implementation. Assist public agencies in funding and implementing the mitigation plan created above using the calculation shown below that determines the appropriate investment value for your size of development. Submit a letter of completion from the lead agency.

i. Investment Calculation: Use this formula to determine the minimum value of investment required to implement your mitigation strategy. This is based upon the total number of recreationists who are likely to be attracted to public lands in your area of impact. The investment value may be fulfilled in any combination of donated funds, volunteer labor, materials, expertise or equipment contributed to the mitigation project.

(Number of people) x (portion of year people are present) x (\$100 per person)

Example: For a real estate development planning 100 houses, assuming on-average 3 people per household x 1.0 (year-round residents) would be:  $300 \times 1 \times 100 = \$30,000$  of value.

ii. 1 point

c. Option 2: For projects on private land where impacts of increasing use would affect the quality of recreation opportunities on your project and in the immediate vicinity:

i. Carrying Capacity Assessment and Plan: For all recreational components of the project, briefly describe the carrying capacities (i.e. ecological,

community, perceptual - subjective or spatial - design) relevant to the project's activities and numbers of recreationists. Identify threshold indicators for determining limits of those capacities, and describe what measures will be implemented to avoid approaching or exceeding those capacities.

ii. 2 points

4. Submittals

a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

b. Provide a narrative of the implementation process and summary of the plan.

**C. Maximizing Recreation Opportunity**

1. RR Credit: 2 Points

2. Intent. To create and/or expand recreational opportunities on private and public lands while minimizing user conflicts and resource impacts.

3. Requirements

i. In cooperation with appropriate agencies, prepare an assessment of supply and demand for different types of recreational experiences in the vicinity of your project.

ii. Identify existing and potential recreation opportunities and possible users.

iii. Identify sources of potential user conflict.

iv. Outline strategies for fostering positive interactions among users, organizations and land managers as new recreation services and opportunities are proposed and developed.

v. 1 point

b. AND FOR AN ADDITIONAL POINT, Locate recreation services and facilities (hiking trails, ski slopes, restroom facilities, camping, etc.) on a site previously impacted. Enhance the site so that the natural environment is restored.

i. 1 point

c. OR, If no impacted sites exist, locate recreation services and facilities at a site that minimizes the impact on the existing ecosystem and environment both socially and biologically.

i. Prepare a management plan that demonstrates how the site's resources and carrying capacity will be respected and how the facility design and operation will minimize user conflicts.

ii. Propose an independent monitoring plan to document performance.

iii. 1 point

4. Submittals

a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

b. Provide an assessment of recreation opportunity on the site.

c. Provide management and monitoring plans for the recreation service and/or facilities should they be advanced.

**D. Public/Private Land and River Access**

1. RR Credit: 1-2 Points
2. Intent. To maintain access to land and rivers for recreational purposes and enhance private/public partnerships in the process.
3. Requirements
  - a. Create a pedestrian and/or vehicle easement to ensure permanent public access to public/private land or streams, and provide relevant signage.
    - i. 1 point
  - b. OR, Create a conservation easement with a clause that ensures public access to public/private land or streams and provide relevant signing.
    - i. 1 point
  - c. AND, FOR AN ADDITIONAL POINT, Create, maintain and update public amenities (picnic tables, restroom, interpretive sign, etc.) at access points.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include:
  - b. Documentation of easement with photographs of signage, amenities, and improvements.

**E. Outdoor Ethics and Education**

1. RR Credit: 1-2 Points
2. Intent. To promote common understanding and appreciation of bioregional resources, and minimize environmental and facility impacts through educational opportunities that teach conservation and ecological concepts.
3. Requirements
  - a. Create a comprehensive interpretive program for residents, visitors, and/or employees that accurately interprets the region's natural history and the site's specific ecological, cultural, historical, and geological features.
    - i. 1 point
  - b. AND, FOR AN ADDITIONAL POINT, Institute ongoing educational programs for users and employees that will minimize user impacts upon the site and recreational facilities. These programs should demonstrate how best management practices will provide for continued ecosystem functioning and long-term resource and facility protection. Utilize recreation impact monitoring methods and document the monitoring results as part of the outdoor ethics training program.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include:



- i. A description of the interpretive program and the plan to continue implementation.
- ii. AND, An outline of outdoor ethics training and plan for monitoring the program.

**F. Rewarding Sustainable Operations**

1. RR Credit: 1-2 Points
2. Intent. To encourage sustainable operation of recreation facilities by acknowledging compliance with nationally and/or regionally-recognized programs.
3. Requirements
  - a. Graduation from YBP UnCommon Sense Program.
    - i. 1 point
  - b. OR, Registration and first-year certification by LEED-Existing Buildings program.
    - i. 1 point
  - c. AND, FOR AN ADDITIONAL POINT, Proof of qualifying membership or initial selection by organization certifying sustainable operations and additional proof of measurement, accreditation, successful examination or qualified selection in organization or achievement by third party. Said proof to be directly relevant to long and short term sustainability in the daily operation of facilities.
    - i. 1 point
  - d. OR, Certification/implementation/analysis of project by organization or recognizable standards in measurable documentation.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include:
    - i. Documentation of graduation from UnCommon Sense, or LEED-EB certification.
    - ii. AND, Current membership certificate and written narrative describing compliance.
  - b. Submit other relevant material as part of credit; if no recognized standard exists currently, provide individual approach.

**08-11-8: Built Environment**

- A.** Introduction. The phrase “Built Environment” refers to the man-made surroundings that provide the setting for human activity, ranging from large-scale civic surroundings to small personal places. The impact of the built environment, including design, construction and operation is significant. The built environment imposes on our natural resources, and without proper planning, can destroy the very attributes that inspire us to live in these places. Recently there has also been considerable dialogue and research into the impact of the built environment on human health.

1 A large percentage of the human environment is manmade, and these artificial  
2 surroundings are so extensive and cohesive that they function as organisms in the  
3 consumption of our natural resources, disposal of wastes, and facilitation of productive  
4 enterprise within its bounds.

5 “Built Environment” also refers to the places constructed in our natural environment as  
6 well as on previously developed sites. The built environment is made up of single  
7 buildings and multiple building developments; it includes landscape design, and also  
8 refers the bigger picture of urban planning. It refers to places of any scale and form.  
9 Many of these places are built without consulting any planning tools, let alone green  
10 planning tools or building standards. It is a useful acknowledgment that only a small, but  
11 growing percentage, of our built environment constructed every year is designed by  
12 professionals such as architects, landscape architects, and planners. In these cases,  
13 developers of the built environment encounter issues that cross the traditional  
14 professional boundaries between urban planners, traffic engineers, zoning authorities,  
15 architects, interior designers, industrial designers, landscape architects, etc. In other  
16 cases, such as a public park that may have the look, feel, and nourishing quality of  
17 natural surroundings while being completely artificial and “built”, the line between the  
18 natural and the built environments can be very difficult to distinguish.

19 The goals of this credit category are to attempt to recognize and include the values of  
20 green building rating systems, including LEED. Meeting the prerequisites of the  
21 appropriate green building rating tool is a solid base for all building projects. However,  
22 the environmental challenges in this region go beyond those in LEED and are addressed  
23 by awarding specific points for positive actions. The practices outlined in this Reference  
24 Guide and those in other green building standards, can minimize the impacts and  
25 potentially reverse effects of previously poorly developed sites.

26 The issues addressed in this credit category include: optimization of energy in all  
27 building types, reduction of waste generation on construction sites, recycling on  
28 construction sites, designing buildings with material sizes in mind to minimize labor and  
29 waste, reuse of organics, development of outdoor spaces to connect man and nature  
30 and potentially minimize building size, and “right sizing” of residential dwellings to fit  
31 environment and function.

32 Innovation is encouraged and exemplary performance will be awarded additional points.

33 **B. LEED Prerequisites**

- 34 1. BE Credit: Prerequisite, required for ALL.
- 35 2. Intent. To design and construct sustainable buildings and structures.
- 36 3. Requirements. The national green building leadership standard, LEED, was  
37 developed to transform the market of the design and construction industry to  
38 sustainability. Use of the LEED family of products forms the basis for a sustainable,  
39 habited structure and serves as a measurement tool. LEED Accredited Professionals  
40 support the design and construction teams in meeting the requirements, earning  
41 points, and documenting the project in this third-party verified system.
- 42 Built environments encompass all constructed entities. Habited structures are  
43 enclosed, occupied, and conditioned. Non-habited include - but are not limited to -

1 structures that are not enclosed, occupied or conditioned, such as barns, sheds,  
2 gazebos, transit shelters, bridges, retaining walls, landscape features.

3 All GY-Framework registered projects with habited structures are encouraged to use  
4 the appropriate LEED rating system as their guide throughout design and  
5 construction. LEED registration and certification is not required but highly  
6 encouraged.

7 a. The prerequisites of the appropriate LEED rating system are required of all  
8 projects containing habited structures.

9 4. Submittals

10 a. Provide the GY-Framework Letter Template, signed by the architect or planner,  
11 declaring that the requirements have been met.

12 b. AND, A copy of LEED Templates for appropriate LEED product.

13 **C. Optimize Energy Performance**

14 1. BE Credit: 1-3 Points

15 2. Intent. Encourage the design and construction of energy efficient buildings to reduce  
16 air, water, and land pollution, and environmental impacts from energy production and  
17 consumption.

18 3. Requirements. Design and construct at least 90% of all habited buildings in the  
19 project such that they meet one of the following requirements according to the  
20 appropriate building type.

21 a. Minimally Exceed Performance (1 point):

22 i. Option 1: For non-residential buildings and residential buildings over 3  
23 stories:

24 a. Whole Building Energy Simulation: Demonstrate a minimum 10%  
25 improvement in the proposed building performance rating compared to  
26 International Energy Conservation Code (IECC). Perform a whole  
27 building project simulation using the Building Performance Rating  
28 Method per Appendix G of ASHRAE/IESNA Standard 90.1-2004.  
29 Appendix G requires that this energy analysis include ALL of the energy  
30 costs within and associated with the building project. To achieve this  
31 point, the proposed design:

32 i. Must comply with the mandatory provisions (Sections 5.4, 6.4, 7.4,  
33 8.4, 9.4 and 10.4) in Standard 90.1-2004 (without addenda) or local  
34 code, whichever is more stringent.

35 ii. AND, Must include all the energy costs within and associated with  
36 the building project,

37 iii. AND, Must be compared against a baseline building that complies  
38 with IECC. The default process energy cost is 25% of the total  
39 energy cost for the baseline building. For buildings where the  
40 process energy cost is less than 25% of the baseline building energy  
41 cost, the LEED submittal must include supporting documentation  
42 substantiating that process energy inputs are appropriate.

43 b. For the purposes of the analysis, process energy is considered to  
44 include, but is not limited to:

- i. Office and general miscellaneous equipment: computers, elevators and escalators, kitchen cooking and refrigeration, laundry washing and drying, lighting exempt from the lighting power allowance (e.g. lighting integral to medical equipment) and other (e.g. waterfall pumps).
  - ii. Regulated (non-process) energy includes: lighting (such as for the interior, parking garage, surface parking, facade, or building grounds, except as noted above), HVAC (such as for space heating, space cooling, fans, pumps, toilet exhaust, parking garage ventilation, kitchen hood exhaust, etc.), and service water heating for domestic or space heating purposes.
  - iii. For this credit, process loads shall be identical for both the baseline building performance rating and for the proposed building performance rating. However, if process loads are reduced, the Exceptional Calculation Method (ASHRAE 90.1-2004 G2.5) may be used to document such process loads reductions.
  - iv. Documentation of process load energy savings shall include a list of the assumptions made for both the base and proposed design, and theoretical or empirical information supporting these assumptions.
- ii. Option 1: For residential buildings 3 stories or fewer:
    - a. Qualify as an ENERGY STAR Home by the prescriptive Builder Option Package (BOP).
  - iii. 1 point
  - b. Moderately Exceed Performance (2 Points):
    - i. Option 2: For non-residential buildings and residential buildings over 3 stories:
      - a. Whole Building Energy Simulation: Demonstrate a minimum 20% improvement in the proposed building performance rating compared to the baseline described above in Option 1 for non-residential buildings and residential buildings over 3 stories.
    - ii. OR, Option 3: For Small Commercial Buildings (less than 20,000 sq. ft.):
      - a. Prescriptive Compliance Path: Comply with the prescriptive measures of the ASHRAE Advanced Energy Design Guide for Small Office Buildings or the ASHRAE Advanced Energy Design Guide for Small Retail Buildings, as appropriate to building type. The following restrictions apply:
        - i. Buildings must be less than 20,000 square feet. Buildings must be office or retail occupancy.
        - ii. Project teams must fully comply with all applicable criteria as established in the Advanced Energy Design Guide for the climate zone in which the building is located.
    - iii. Option 2: For residential buildings 3 stories or fewer:
      - a. Qualify as an ENERGY STAR Home by achieving a HERS Index rating of 80 or better for IECC Climate Zones 6-8.

- iv. 2 points
- c. Aggressively Exceed Performance (3 Points):
- i. Option 4: For non-residential buildings and residential buildings over 3 stories:
- a. Whole Building Energy Simulation: Demonstrate a minimum 30% improvement in the proposed building performance rating compared to the baseline described above in OPTION 1 of non-residential buildings or residential buildings greater than 3 stories.
- ii. OR, Option 5: For Small Commercial Buildings (less than 20,000 sq. ft.):
- a. Prescriptive Compliance Path: Comply with the Basic Criteria and Prescriptive Criteria of the Advanced Buildings Benchmark™ Version 1.1 with the exception of the following sections: 5.7 Monitoring and Trend-logging, 5.11 Indoor Air Quality, and 5.14 Networked Computer Monitor Control.
- iii. Option 4: For residential buildings 3 stories or fewer:
- a. Exceed the ENERGY STAR for Homes requirements by achieving a HERS Index of 70 or better for IECC Climate Zones 6-8.
- iv. 3 points
4. Submittals
- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met, and the following:
- i. For Projects Minimally Exceeding Performance
- a. Option 1: For non-residential and residential buildings over 3 stories:
- i. Provide a copy of energy model showing compliance.
- b. Option 1: For residential buildings 3 stories or fewer:
- i. Submit Energy Star Home report demonstrating a minimum HERS Index rating.
- ii. For Projects Moderately Exceeding Performance
- a. Option 2: For non-residential and residential buildings over 3 stories:
- i. Provide a copy of energy model showing a minimum of 20% improvement over the baseline building.
- b. Option 2: For residential buildings 3 stories or fewer:
- i. Submit Energy Star Home report showing HERS Index rating of 80 or better for IECC Climate Zones 6-8.
- ii. Option 3: For Small Commercial Buildings (less than 20,000 sq. ft.), document compliance with the prescriptive measures of the ASHRAE Advanced Energy Design Guide for Small Office Buildings or the ASHRAE Energy Design Guide for Small Retail Buildings, as appropriate for building type. This option is only open to office or retail buildings less than 20,000 square feet. Project teams must fully comply with all applicable criteria for this climate zone.

- 1                                   iii. For Projects Aggressively Exceeding Performance:
- 2                                   a. Option 4: For non-residential and residential buildings over 3 stories:
- 3                                   i. Provide a copy of energy model showing a minimum of 30%
- 4                                   improvement over the baseline building.
- 5                                   b. Option 4: For residential buildings 3 stories or fewer:
- 6                                   i. Submit Energy Star Home report showing HERS Index rating of 70
- 7                                   or better for IECC Climate Zones 6-8.
- 8                                   c. Option 5: For Small Commercial Buildings (less than 20,000 sq. ft.)
- 9                                   i. Comply with the Basic Criteria and Prescriptive Criteria of the
- 10                                  Advanced Buildings Benchmark Version 1.1 with the exception of the
- 11                                  following sections: 5.7 Monitoring and Trend-logging, 5.11 Indoor Air
- 12                                  Quality, and 5.14 Networked Computer Monitor Control
- 13 **D. Green Building Programs: Participation and Compliance (either this or E, below)**
- 14                                  1. BE Credit: 1 Point
- 15                                  2. Intent. To encourage incorporation of green building standards into built environment
- 16                                  projects.
- 17                                  3. Requirements
- 18                                  a. Meet the intent and requirements of a local, regional, or national green rating
- 19                                  system other than LEED (See BE2.2 to achieve points using LEED). The rating
- 20                                  system must include elements of green building in addition to energy efficiency
- 21                                  and conservation.
- 22                                  i. 1 point
- 23                                  4. Submittals
- 24                                  a. Provide the GY-Framework Letter Template, signed by the responsible party,
- 25                                  declaring that the requirements have been met.
- 26                                  b. Identify and document why you chose the program.
- 27                                  c. Provide supporting documentation showing how the program criteria, including
- 28                                  certification or completion of the program, have been accomplished.
- 29 **E. Green Building Programs: LEED Certification (either this or D, above)**
- 30                                  1. BE Credit: 1-5 Points
- 31                                  2. Intent. To recognize and encourage built environment projects to meet the highest
- 32                                  national standards.
- 33                                  3. Requirements
- 34                                  a. For habited built structures:
- 35                                  i. Achieve certification for the applicable LEED product. Use the LEED Version
- 36                                  currently available to the public. Note: Projects achieving LEED certification
- 37                                  at the Gold or Platinum Level can earn an additional point in SCO Credit 1.
- 38                                  ii. Credit Matrix: Provided LEED products are used, points are allocated
- 39                                  accordingly:
- 40                                  a. LEED Certification: Certified | Silver

- b. 50% of habited built area: 1 point | 2 points
  - c. At least 80% of habited built area: 2 points | 3 points
  - b. AND, For non-habited built environments:
    - i. If the project is only a non-habited built environment, or if the project has a non-habited built environment that is not included in the habited building certification, demonstrate that it meets the equivalent of 15 points of the following LEED-NC requirements:
      - a. Prerequisite SS1 Erosion and Sedimentation Control SS1 Site Selection
      - b. SS6 Stormwater Management (2) SS7 Heat Island Effect (2)
      - c. SS8 Light Pollution Reduction
      - d. WE1 Water Efficient Landscaping (2) MR2 Construction Waste Management (2) MR3 Resource Reuse (2)
      - e. MR4 Recycled Content (2) MR5 Regional Materials (2)
      - f. MR6 Rapidly Renewable Materials MR7 Certified Wood
      - g. Innovation and Design (2)
    - ii. 2 points
4. Submittals
- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, For habited built structures:
    - i. Official documentation from the USGBC verifying project certification level.
  - c. AND, For all non-habited build environments:
    - i. Must verify non-habited built environments are included in compliance criteria calculations or submit alternate compliance documentation demonstrating why criteria are not applicable.
  - d. Note. Alternate compliance documentations can be challenged and denied. It is recommended to use LEED CIR (Credit Interpretations and Rulings) process prior to credit submittal for clarification of compliance. If CIR is obtained provide CIR documentation with credit submittal.

**F. Waste Management: Reduce and Recycle**

- 1. BE Credit: 1-2 Points
- 2. Intent. To reduce the amount of waste hauled to and disposed of in landfills.
- 3. Requirements. Meet one or both of the following requirements and publicize the availability and benefits of the drop-off points, stations or services:
  - a. Include at least one recycling or reuse station as part of the project available to all project occupants dedicated to the separation, collection, and storage of materials for recycling including, at a minimum, paper, corrugated cardboard, plastics and metals; or locate project in a local government jurisdiction that provides recycling services for these materials. If a plan for post-collection disposal or use does not exist, establish one.

1 i. 1 point

2 b. AND/OR, Include at least one appropriately installed compost station as part of  
3 the project available to all project occupants dedicated to the collection and  
4 composting of food wastes and yard wastes, or locate project in a local  
5 government jurisdiction that provides services for composting materials. Locate  
6 compost station appropriately to avoid potential animal conflict. If a plan for post-  
7 collection use does not exist, establish one.

8 i. 1 point

9 4. Submittals

10 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
11 declaring that the requirements have been met.

12 b. Plan for addressing waste stream. Include a written commitment to publicize the  
13 availability and benefits of the drop-off points or stations to project occupants,  
14 when/if the project is built.

15 c. AND, Site plan indicating location of recycling and/or compost station, and a  
16 signed commitment to provide them when/if the project is built. Include draft  
17 contracts with recyclers or recycling facility and copy of City/County ordinances  
18 or policy confirming that jurisdiction provides services for collecting materials and  
19 a schedule for pickup.

20 d. AND, Permit for compost and construction debris area.

21 **G. Construction Waste: Materials Efficiency**

22 1. BE Credit: 1 Point

23 2. Intent. To reduce amount of building materials needed, construction costs, and  
24 project waste.

25 3. Requirements

26 a. Design building components using standard-sized units for masonry, structural  
27 and framing lumber, wallboard, plywood, advanced framing and other sheet  
28 goods. (i.e. wood components in measures of 2x4, 2x6, 2x8, etc.)

29 i. 1 point

30 4. Submittals

31 a. Provide the GY-Framework Letter Template, signed by the contractor, declaring  
32 that the requirements have been met.

33 i. Include percentage of materials meeting this requirement.

34 ii. Include section of architectural drawings showing building components  
35 meeting the requirement. For unconventional shapes, provide architectural  
36 drawings supporting material efficiency.

37 **H. Construction Waste: Reuse of Organics**

38 1. BE Credit: 1 Point

39 2. Intent. To reduce organic waste from the project.

40 3. Requirements



- a. Compost, reuse, or share compostable materials generated by the project on-site or within 100 miles of the site.
  - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the contractor, declaring that the requirements have been met.
  - b. Submit documentation showing that 100% of the organic waste material was either composted or reused on site in a manner that did not attract wildlife.
  - c. Submit photos showing that containers for composting are bear and wildlife proof or that composting station are located indoors and inaccessible to wildlife.
  - d. If compost or compostables are removed from the site, provide documentation that it was composted and reused within 100 miles of the site.

**I. Outdoor Spaces**

1. BE Credit: 1 Point
2. Intent. To ensure connection to the natural environment, reduce the need for mechanical systems, and enhance the health and well-being of building occupants.
3. Requirements
  - a. Provide accessible outdoor space(s) a minimum of 20' away from building exhaust, designated smoking areas, parking lots, and trash enclosures.
  - b. AND, Provide a space, independent of public sidewalks and access easements, greater than or equal to 15 square feet per occupant, for 10% of the building occupants, but not less than 100 square feet.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the architect, declaring that the requirements have been met.
  - b. Submit a plan and/or site plan showing the outdoor space as outlined above as well as calculations determining building occupants.

**J. Size of Residential Dwellings**

1. BE Credit: 1 Point
2. Intent. To conserve natural resources over the life of the building.
3. Requirements
  - a. Do not exceed 4,000 square feet above grade for single residential units in either single-family or multi- family residences.
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the architect, declaring that the requirements have been met and showing square footage of building(s) and intended number of occupants.

- b. Provide a narrative explaining decision-making in regard to size and mix of dwellings.

**08-11-9: Public Service and Infrastructure**

**A. Introduction.** The goal of this credit category is to recognize best practices in the public utilities sector. Code compliance is essential and therefore required of participants in the GY-Framework program.

Water resources in the region not only provide for human life but are also a key element to the ecosystem, wildlife, and agriculture in the region. This credit category carries a prerequisite that requires water metering to ensure efficient use of water resources can be monitored by the end user. While this is a common practice for residential and commercial drinking water supplies in many countries, as well as for industrial self-supply water, in areas within the Greater Yellowstone region this is less common. Particularly with agriculture, a major water user in the region.

The benefits of metering are that, in conjunction with volumetric pricing, it provides an incentive for water conservation; it helps to detect water leaks in the distribution network and individual service fixtures. It also provides a basis for reduction of non-revenue water use.

Similar to the prerequisite of water metering to promote efficient water use, points throughout this credit category focus on efficient use and reuse of water and energy resources. These include direct approaches such as sharing services, managing electrical loads, water efficiencies, and water quality. They also include indirect approaches such as expanded renewable energy production and resource management during construction.

Points can be earned in this credit category for addressing the following issues: energy efficiency through sharing of services, expanded use of renewable energy production, management of electrical loads and controls, use of strategies to attain water efficiencies, concern for water quality, snow management planning, and resource management during utility construction.

Innovation is encouraged and exemplary performance will be awarded additional points.

**B. Code Compliance**

1. PSI Credit: Prerequisite, required for ALL.
2. Intent. To meet minimum existing federal and state infrastructure codes, standards and permits.
3. Requirements. Comply with/adopt existing federal, state and local infrastructure codes and standards (e.g., CWA, SDWA, RCRA, NPDES, CAA, IECC, etc.).
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. If a single building project, provide copies of relevant items from the governmental agency with jurisdiction over the site and/or whose systems will serve the development.

- 1 c. If a development project, provide copies of permits for all infrastructures as well  
2 as list of codes relevant to your project. For example, if the development is  
3 required to have a stormwater pollution prevention permit (SWPPP), the project  
4 documentation must provide a copy of the permit as well as including the  
5 narrative of the strategies used in the GY-Framework Letter Template.

6 **C. Water Metering**

- 7 1. PSI Credit: Prerequisite, required for ALL.
- 8 2. Intent. To conserve scarce water resources over the long-term and raise owner and  
9 consumer awareness of this need.
- 10 3. Requirements. All projects will include metered water use in the final development to  
11 the extent possible. State and seasonal projects can apply for an exemption under  
12 special circumstances.

13 For public water systems, the system shall individually meter users, and the metering  
14 shall be strictly enforced. If service to the development or structure is not provided via  
15 public water system, the individual users shall individually meter use (i.e., irrigation  
16 users, individual wells, etc.). Where technologies allow, the intent is to raise owner  
17 and consumer awareness about their water use and potential for waste with the  
18 ultimate goal being to promote conservation and wise use of water resources.

19 If water has to be hauled to the site via water truck or portable tank, addition of a  
20 meter to the source will not qualify for compliance with this prerequisite except in the  
21 case where the structure is owned and maintained by a government agency for the  
22 purpose of a visitor center or other public facility that ultimately minimizes human  
23 waste in areas where high foot traffic occurs. If the proposed structure is a private  
24 development with the need to haul water, this prerequisite will not be met as it is  
25 generally believed that this type of development should not occur in areas where  
26 water resources are not readily available to sustain the development.

27 4. Submittals

- 28 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
29 declaring that the requirements have been met.
- 30 b. AND, Site Plan showing all buildings.
- 31 c. AND ONE OF THE FOLLOWING:
- 32 i. Copy of ordinance identifying metering requirement.
- 33 ii. OR, Copy of billing structure with demonstrated bills based upon metered  
34 water use.
- 35 iii. OR, Copy of water service or installer agreement identifying meter size  
36 and/or confirming meter installation.
- 37 d. AND EITHER:
- 38 i. Covenants or ordinance demonstrating that meters will be read and  
39 maintained.
- 40 ii. OR, Signed commitment letter indicating meter size to be placed in each  
41 building and manner in which water use will be monitored.

42 **D. Shared Services: Energy/Water Efficiencies**

- 43 1. PSI Credit: 1-2 Points

2. Intent. To encourage installation of renewable, community-owned and used energy production to avoid energy fuel depletion. Help create a cooperative atmosphere of businesses sharing renewable energy resources and responsible energy and water systems.
3. Requirements. Collaborate with one or more neighboring developments or local regional utilities to implement the infrastructure for community-shared:
  - a. Renewable energy
    - i. 1 point
  - b. AND/OR, Efficient water systems (including waste water treatment).
    - i. 1 point
4. Submittals
  - a. Provide the GY-Framework Letter Template identifying and signed by the responsible party, and declaring that the requirements have been met. Include the cooperating parties and the system(s) being designed and/or used.

**E. Renewable Energy: Expanded Use**

1. PSI Credit: 1-3 Points
2. Intent. To reduce dependency on fossil fuels through the use of green energy resource alternatives.
3. Requirements. Develop or incorporate into future project developments through construction, CC&R's or other binding documents, renewable, non-polluting source(s) of energy sufficient to meet a percentage of the energy needs of the project as follows:
  - a. Minimum percent of project's energy needs from renewable, non-polluting resources produced on-site
    - i. 10% - 1 point
    - ii. 20% - 2 points
    - iii. 30% or more – 3 points
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, A narrative describing the source of the green energy resource(s) e.g., on-site resource or purchased from the local utility. If the resource is developed on-site, describe how it is utilized.
  - c. AND, A copy of the relevant sections of the CC&R's or other binding documents.

**F. Carbon Emissions Reduction**

1. PSI Credit: 1 Point
2. Intent. To demonstrate leadership in addressing climate change and to reduce carbon emissions in the region.
3. Requirements
  - a. Purchase carbon offsets.

- i. Calculations should take into account both impacts of development as well as operations. Purchase of carbon offsets can help achieve emission reductions by supporting projects elsewhere, such as wind farms, solar installations, energy efficiency projects, and/or reforestation projects.
  - ii. 1 point
  - b. OR, Reduce carbon emissions by at least 50% either on or off-site.
    - i. 1 point
  - c. NOTE: Exceptional performance points will be rewarded if the project reduces carbon emissions at 100% for three years.
    - i. Special Credit Opportunities
  - d. Reductions in carbon emissions can be achieved by, but are not limited to: use of bio-fuels in diesel vehicles, purchasing hybrid or electric vehicles, providing access to renewable energy to residents, comprehensive recycling and composting programs, following LEED Silver or higher building guidelines.
  - e. Any offsets against operation impacts should be backed by a contract.
4. Submittals
- a. Provide the GY-Framework Letter Template, signed by the responsible party, demonstrating leadership on climate change and a brief narrative explaining what specific actions are being taken and their direct result in carbon reductions or offsets, and declaring that all the requirements have been met.
    - i. Documentation of calculations of total carbon produced and offsets.
    - ii. If purchasing carbon offsets, provide evidence of purchased credits with an established provider following the guidelines of an independently audited program that delivers high quality carbon credits, such as The Gold Standard (<http://www.cdmgoldstandard.org/>)
    - iii. In case of reforestation provide evidence of credible selection of planting sites, an accurate assessment of existing carbon stocks, development of woodland management plans, prediction of sequestration, and the monitoring of changes in carbon stocks.

**G. Electrical Load/Demand Efficiency**

- 1. PSI Credit: 1-2 Points
- 2. Intent. To reduce the need for power peaking capacity and to minimize the need for upgrades to transmission and distribution electrical systems.
- 3. Requirements
  - a. Install demand controls to selectively shed electric loads during peak periods.
    - i. For controllability of 10% or more of the total electrical peak demand for the development, 1 point.
    - ii. For controllability of 20% or more of the load for the development, 2 points.
- 4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the appropriate local utility representative, declaring that the requirements have been met OR, a letter

from the utility declaring, that a community-wide program is in place, or providing a timeline and commitment for implementing a community-wide program.

## **H. Water Use Efficiency**

### **1. PSI Credit: 1-4 Points**

2. Intent. To reduce water quantity demand by promoting water use efficiency or water reuse.

3. Requirements. Use existing and innovative technologies to promote water use efficiency or water reuse.

a. Indoor Use: For buildings, employ strategies that in aggregate use less water than the water use baseline calculated for buildings (not including irrigation in the calculation) using water efficient or low demand fixtures or through diverted non-potable water (stormwater, recycled gray water or treated wastewater effluent).

i. Calculations are based on estimated occupant usage and shall include only the following fixtures: water closets, urinals, toilets, lavatory faucets, showers, and kitchen faucets.

ii. 1 point

b. Landscape Use: 30% less water annually or better

i. For irrigation, use only captured rainwater, recycled wastewater or gray water, or water conveyed by a public agency or irrigation district/company specifically for non-potable uses. Use to reduce irrigation needs by 50% based upon mid-summer baseline calculations.

ii. OR, Install landscaping that does not require permanent irrigation systems and is either native or adaptable to the regional climate. Temporary irrigation systems used for plant establishment are allowed only if removed within one year of installation.

iii. 1 point

c. Stormwater Use: Implement a comprehensive stormwater management plan for the project that infiltrates, re-uses, or evapotranspires runoff from 90% of the average annual rainfall or 1" of rainfall from a percentage of the project's development footprint and other areas that have been graded so as to be effectively impervious, as listed below:

i. Plan should identify practices to be employed, such as permeable pavements, rainwater harvesting systems or green roofs. Development footprint will include typically impervious surfaces included in the definition of "development footprint," such as roofs and pavements, even though the surfaces may be made pervious as part of the stormwater management plan.

ii. Minimum 30% of the development footprint, 1 point.

iii. Minimum 60% of the development footprint, 2 points.

### **4. Submittals**

a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met. Include notation of Adopted Code or Code Compliance related to low demand fixtures.

b. Site plan showing all building structures.

- c. AND, Indoor Use:
  - i. Matrix that shows water use calculations
  - ii. Estimate of baseline indoor water use based upon number and type of buildings in the project
  - iii. Written commitment explaining types of low water use fixtures to be used and reduction strategies to meet the credit based upon number of points attempting to receive
- d. AND/OR, Landscape Use:
  - i. Permits for water re-use (i.e., wastewater effluent or grey water reuse or stormwater reuse)
  - ii. Landscape plan with information on selected species of native /water-wise vegetation
- e. AND/OR, Stormwater Use:
  - i. A site plan indicating the project's development footprint, and the location of any planned stormwater management technologies or BMPs.
  - ii. A written commitment to develop and implement a comprehensive stormwater management plan to meet the requirements if the project is built.
  - iii. Stormwater management plan highlighting practices to be employed (i.e., rainwater collection/harvesting, green roofs or permeable surfaces)
  - iv. Calculation comparing typically impermeable surfaces to planned permeable surfaces within the typical development footprint (building footprint and other paved surfaces such as parking lots).

## I. Water Quality

- 1. PSI Credit: 1 Point
- 2. Intent. To improve and protect water quality.
- 3. Requirements
  - a. Option 1: Rural projects with individual on-site potable water wells shall build or connect to a public/community wastewater system.
    - i. 1 point
  - b. OR, Option 2: Rural projects having individual on-site wastewater treatment systems shall build or connect to a public/ community water system.
    - i. 1 point
  - c. OR, Option 3: Rural projects not connected to a community wastewater system or a community water system shall develop their project under an approved comprehensive watershed plan that directs acceptable wastewater handling and treatment.
    - i. AND, Treat 50% of wastewater on-site to secondary standards with treated water infiltrated or used on- site.
      - a. On-site treatment system takes into consideration site specific geological constraints (i.e., soils, groundwater level).

- b. Educational programs and/or materials are established to inform occupants of appropriate treatment methods and required maintenance to keep their system operating at the maximum efficiency.

ii. 1 point

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, Service agreement with wastewater system treatment or public water system provider
- c. OR, Existing or proposed Watershed Management Plan (optional, if not connected to community water or wastewater system)
- d. OR, Information on on-site treatment system
  - i. Copies of O&M educational materials to be provided to entity or occupant responsible for O&M with commitment letter highlighting how information will be distributed
  - ii. Information related to site-specific conditions (soils, groundwater) and a letter from a registered professional engineer indicating suitability for chosen treatment alternative

**J. Snow Plan**

1. PSI Credit: 1 Point

2. Intent. To reduce the impact of snow and meltwater on pedestrian travel and safety, on nearby water bodies, and on stormwater systems.

3. Requirements

- a. Establish a comprehensive snow management plan including snow removal from streets, sidewalks, and bicycle lanes, snow storage, and meltwater management to prevent contamination of ground or surface water or flooding. Avoid use of chemicals or salts as melting agents.
- b. AND, Ensure removal of snow and ice from sidewalks and similar pedestrian areas in a timely manner to facilitate walking and prevent injury. Add language to commercial leases and/or CC&R's which require timely and appropriate removal methods.
- c. AND, Properly configure and maintain pedestrian crossings to avoid blocked storm and meltwater inlets and resulting water and ice barriers to pedestrian use.

i. 1 point

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, A site plan and vicinity map showing locations of existing and planned streets and pedestrian routes, snow removal and storage locations, and water management methods.
- c. AND, A description of how the snow removal and other requirements will be met.



**K. Utility Construction and Resource Management**

1. PSI Credit: 1 Point
2. Intent. To reduce environmental impacts and social costs, and provide economic alternatives to traditional open cut methods of utility installation, rehabilitation, or replacement.
3. Requirements
  - a. An organization desiring to receive points in this section shall demonstrate measures to:
    - i. Monitor and reduce water system loss due to transmission system leaks
    - ii. Reduce wastewater system infiltration and inflow (I&I)
    - iii. Have established and routinely update a "Capital Improvements Plan" (CIP) that addresses management of utilities
    - iv. Provide a written commitment to the appropriate use and implementation of Trenchless technology for the rehabilitation, replacement, or installation of water, wastewater, or stormwater conveyance utilities
  - b. Any areas having to improve the condition or capacity of water, wastewater, or storm water conveyance utilities shall investigate the applicability of Trenchless technology to rehabilitate, replace, and/or install new utilities. Determine through the submittal process defined below if Trenchless technology is appropriate.
  - c. Reduce by 80% Asphalt and/or Concrete pavement removal associated with water, wastewater, or storm water conveyance utility rehabilitation, replacement, or installation.
    - i. 1 point
  - d. OR, Reduce by 80% new Asphalt and/or Concrete pavement replacement associated with water, wastewater, or storm water conveyance utility rehabilitation, replacement, or installation.
    - i. 1 point
  - e. OR, Where water, wastewater, or stormwater conveyance utilities require rehabilitation, replacement, or installation, and/or require additional capacity, utilize the appropriate Trenchless technology method for the conditions and intended result.
    - i. 1 point
  - f. Avoid use of Poly Vinyl Chloride (PVC) in any new utility material where possible.
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. A copy of the engineering report including: Condition assessment of the utility, capacity/sizing evaluation of the utility with a 20 year planning horizon, alternative analysis of rehabilitation, replacement, and/or new installation construction techniques to determine the appropriate construction method. Report shall include economic and non-economic considerations. Report shall determine if Trenchless technology is appropriate and if so which technology or technologies are recommended.

**08-11-10: Transportation and Connectivity**

**A.** Introduction. Regional planning directly impacts the character of local communities and the quality of life for the inhabitants. Good regional planning can help to create beautiful, vibrant communities. Beautiful, vibrant communities help ensure long-term economic prosperity and social sustainability.

A major consideration in regional planning is transportation. A well-planned transportation system enables all members of the community adequate access to housing, places of work, goods and services, and recreation. It also provides regional connectivity, with alternatives to the automobile.

Historically, the Greater Yellowstone region has been rural in nature. Residents in these rural areas have had easy commutes with little or no traffic to impede quick trips. Gas prices have remained comparatively low to the rest of the world. Noise and air pollution have not been an issue. Largely unregulated land-use has enabled rural development, where residents can “escape” from traffic and congestion and live closer to natural landscapes.

But recent, unprecedented growth is creating huge challenges to the Greater Yellowstone region’s rural lifestyle. The region has experienced anywhere from an 11% to a 185% increase in population over the past 10 years. This has created significant traffic congestion. Tourists, with no options other than to rent vehicles, add to the congestion during both the winter and summer seasons. County and state road regulators have not had the time and resources to address these growth pressures. Many stretches of highway across the region do not adequately address the traffic congestion.

In addition to unmanaged growth, rising fuel costs and the evident threat of global warming are adding challenges to transportation in the region. Those residents that must commute to jobs in neighboring communities are paying nearly twice as much in gas prices as they were just four years ago. No mass- transportation options exist for these people in many areas of the region. There has also been a decrease in visitors to the national parks. Gas prices are listed as a major factor in visitors’ decision on where to vacation. Since no regional mass-transportation system exists, this is very likely contributing to the decline in visitation. The world’s leaders are pushing for mandatory greenhouse gas emission reductions in the next ten years, and the Greater Yellowstone region does not yet have a plan in place for the creation of a regional transportation system to help contribute to these reductions.

Therefore, transportation planning is a major component of decision making for developers and designers. The main goal of this credit category is to increase connectivity and human mobility in the Greater Yellowstone Region to improve economic and social sustainability. By working toward this goal, the region will also contribute to reducing its greenhouse gas emissions.

The prerequisite requires the development of a transportation plan for residents and users of the facilities. This will ensure that developers consider internal and regional connectivity in their design and help identify the greatest opportunities to achieve connectivity and mobility.

Other issues addressed in this category include development of amenities that support: alternative transportation modes, fleets of vehicles as alternatives to single ownership, use of alternative fuels, and development of trails, pathways, and scenic byways. Innovation is encouraged and exemplary performance will be awarded additional points.

**B. Transportation Plan**

1. TC Credit: Prerequisite, required for ALL.
2. Intent. To reduce energy consumption and pollution from motor vehicles by encouraging use of pedestrian traffic, public transit, ride sharing/car-pooling, and alternative fuels.
3. Requirements. Create a comprehensive transportation plan for the project that will minimize vehicle traffic to/from and, within and from the site and that will promote public health and safety. Address in the plan the following elements, at a minimum:
  - a. Pedestrian safety and accommodation
  - b. Provision for safe bicycling and bike racks
  - c. Ride sharing and carpooling incentives and parking infrastructure
  - d. Safe vehicle speed limits, unobtrusive parking and alternative fuel availability
  - e. Use of public transportation services and accommodation of necessary infrastructure
  - f. Public awareness program promoting alternatives to driving personal vehicles
  - g. Other innovative approaches describing how the prerequisite will be met
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, A comprehensive transportation plan that describes the target user groups for the project and the transportation strategies that will best serve them on this project
    - i. Provide appropriate supporting documentation, which may include: a site map showing all relevant pedestrian, bicycle and transit routes; an incentives plan for minimizing employee or customer transportation; and/or a transportation study that can project reductions in vehicle use with project implementation.

**C. Alternative Transportation Amenities**

1. TC Credit: 1-3 Points
2. Intent. To reduce air pollution, global climate change gas emissions, and inefficient land use patterns by reducing dependence on automobile use.
3. Requirements.
  - a. Provide at least two of the following amenities:
    - i. Bicycle parking in highly visible areas that are preferably covered and adjacent to pedestrian activity.

- ii. Bicycle parking facilities shall be provided in accordance with the following schedule, with fractional requirements for bike parking over .5 to be rounded up:
  - a. Commercial; Industrial, Office, Retail -- 2 spaces + 15% of number of auto spaces required
  - b. Multi-Family Residential -- 1 space per unit for buildings with 3 or more units
  - c. Public, or Commercial Recreation -- 35% of auto parking requirement
  - d. Schools -- 1 space per 3 students
  - e. Park and Ride Lots and Transit Centers -- 35% of auto parking
  - f. Lodging -- 1 space per 5 units
- iii. Access to Intra-city public transit service for cities with a population of 10,000+ residents.
- iv. Access to Inter-town/city public transit service; connect to regional transportation network.
- v. Covered and at least partially enclosed bus shelters, adequate to buffer wind, with at least one bench and basic schedule and route information at each transit stop in downtown or neighborhood with an average of 6 or more dwelling units per acre.
- vi. Alternative Transportation Incentive Policy that provides incentives for public transit use (such as partial transit pass reimbursement for which tax credits are available), carpooling, walking, or bicycle commuting for all employees or residents of entity.
- vii. Preferred parking for carpools, vanpools, and hybrid automobiles.
- viii. Preservation of railroad passenger depot buildings and an ownership structure that assures reuse if railroad passenger service can be provided in the future.
- ix. Other appropriate strategies that meet the intent.
- b. 2 amenities – 1 point
- c. 3 amenities – 2 points
- d. 5+ amenities – 3 points

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.

**D. Efficient Vehicles: Fleets**

- 1. TC Credit: 1-2 Points
- 2. Intent. To reduce air pollution and global climate change gases from vehicle operations by improving average fleet mileage and by purchasing more efficient vehicles.
- 3. Requirements

- a. A plan and schedule for purchasing 20% of automobiles and pickup trucks owned by the entity shall achieve the U.S. EPA's SmartWay Green Vehicle designation <http://www.epa.gov/smartway/>, or 10% of automobiles and pickup trucks owned by the entity shall achieve U.S. EPA's SmartWay Elite Green Vehicle designation.
  - i. 1 point
- b. OR, A plan and schedule for purchasing 40% of automobiles and pickup trucks owned by entity shall achieve U.S. EPA's SmartWay Green Vehicle designation; or 20% of automobiles and pickup trucks owned by entity shall achieve U.S. EPA's SmartWay Elite Green Vehicle designation.
  - i. 2 points

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, A copy of the title for each vehicle with SmartWay and SmartWay Elite designation.
- c. OR, Provide a plan and schedule for purchasing a specific percentage of SmartWay Green Vehicles.

**E. Efficient Vehicles: Alternative Fuels**

1. TC Credit: 1-2 Points
2. Intent. To reduce air pollution, greenhouse gasses from vehicle operations, and support transportation alternatives to fossil-based fuels.
3. Requirements
  - a. Provide a minimum of B10 Biodiesel blend for use in all diesel vehicles owned by entity.
  - b. AND, Provide other alternative fuel or electrical infrastructure that results in a 10% drop in global climate change gas emissions for vehicle operations compared to a baseline of 100% fossil-based fuels.
    - i. 1 point
  - c. OR, Provide other alternative fuel or electrical infrastructure that results in a 20% drop in global climate change gas emissions for vehicle operations compared to a baseline of 100% fossil-based fuels.
    - i. 2 points
4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
  - b. AND, A copy of the contract with Biodiesel distributor
  - c. OR, Provide a summary and photos of other alternative fuel and electrical infrastructure.

**F. Trails, Walkability, and Pathways**

1. TC Credit: 1-3 Points

2. Intent. To provide direct and safe connections for pedestrians and bicyclists to local destinations, neighborhood centers, existing trails systems, and publicly owned parks and natural resources and to promote public health through increased physical activity.

3. Requirements

- a. Make continuous provisions for bicycling and walking along all streets within the project. Pedestrian and bicycle facilities shall comply with the American Association of State Highway and Transportation Officials, Guide for the Planning, Design, and Operation of Pedestrian Facilities, The Institute of Transportation Engineers (ITE), Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities, or similar widely accepted standard.
- b. AND, Connect trails, sidewalks, bicycle lanes, and other facilities to adjacent existing or planned facilities to establish or expand larger networks.
- c. AND, Implement one of the following (1 point); three of the following (2 points); or at least five of the following (3 points):
  - i. In non-rural areas, provide at least 200 intersections\* per square mile for newly developed land, providing safe crossings for pedestrians and bicycles (\*The number of intersections required to earn this credit will be prorated for parcels smaller than a square mile).
  - ii. Include pedestrian or bicycle through-connections between the development and existing trail systems, local destinations, and publicly owned parks and natural resources.
  - iii. Design and construct all streets within the project, whether new or existing with traffic calming features intended to slow the traffic to pedestrian safe speeds.
  - iv. Plant street trees between the vehicle travel way and sidewalk at intervals of no greater than 50 feet.
  - v. Provide on-street parking.
  - vi. In rural or other areas where regular block patterns are not provided due to topographic or natural resource limitations, provide pedestrian and bicycle facilities that connect activities and facilitate travel other than motor vehicles.

4. Submittals

- a. Provide the GY-Framework Letter Template signed by the responsible party, declaring which requirements have been met.
- b. AND, A site plan indicating:
  - i. The number of intersections within the project, the total area of the project, and proposed pedestrian or bicycle connections.
  - ii. The location of on-street parking.
  - iii. The speeds for which streets are designed and the legal speed limit signs posted in appropriate locations.
  - iv. The location of traffic calming features.
  - v. The location of adjacent existing trail systems, local destinations, and publicly owned parks and natural resources.

**08-11-11: Community Vitality**

**A.** Introduction. Communities in the Greater Yellowstone region exist in a wide range of sizes and serve many different functions. Tiny rural towns sustain a few hundred residents with modest amenities while other well established cities hold over 100,000 people and serve as the medical and shopping hub for rural residents within 100 miles or more. In addition, seasonal populations swell in the vicinity of recreational resources or near national parks, creating an annual surge of activity which transforms the community to accommodate visitors and seasonal workers. All of these communities share a common thread: the local residents maintain strong and proud connections to the surrounding lands and to each other. For years these communities have grown around small businesses, local agriculture, and shared recreational resources. It is important to preserve the unique characteristics of the Greater Yellowstone region and its people by encouraging development that complements existing communities, large and small.

Growth can mean positive change for towns and cities by stimulating the local economy. However, poor planning can also deteriorate communities, stifling local business in favor of big corporations and trading close-knit neighborhoods for suburban sprawl. In rural areas, private residences and gated developments often cut off access to public lands and recreational activities. The prerequisite in this section, Community Engagement, requires developments to include the local community in the planning and design process. Through collaboration, this approach encourages the developer to establish projects and relationships that are appropriate and positive contributions to the community identity.

The issues addressed in the Community Vitality category focus on inclusive communities. If not carefully staged, urban gentrification can build physical and social barriers to healthy interconnected communities, often displacing the working class residents who are needed to support the development. A thriving community depends on a diverse cross-section of inhabitants and activities. The GY-Framework promotes productive and balanced communities by awarding points for mixed use developments, small businesses, employment opportunities, housing diversity, and affordable housing provisions, live-work proximity, continuity, and access to public spaces, and safe walkable neighborhoods.

Innovation is encouraged and exemplary performance will be awarded additional points.

**B. Community Engagement**

1. CV Credit: Prerequisite, required for ALL.
2. Intent. To promote public dialogue and partnerships among all stakeholders affected by, or interested in, building sustainable developments and communities.
3. Requirements. Choose one or several participation techniques to engage the public and public service providers in the planning and design processes. Examples include, but are not limited to: surveys, review boards, web sites, public meetings, workshops, charrettes, focus groups, public comment, citizen advisory committees, participatory decision making, open houses, and neighborhood meetings. Basic components of any public participation program should include:

- a. Provide comprehensive information on development and a process to keep those with an interest in the strategy informed.
- b. Ensure dialogue will be meaningful and influential in the decision making process.
- c. Provide inclusive consultative mechanisms for all stakeholders affected by, or interested in, the public participation process throughout the life of the project.
- d. Provide feedback to stakeholders underscoring where concerns were reflected in the decision making process.
- e. Build collaboration among key leaders and civic institutions to encourage successful implementation of the project.
- f. NOTE: Projects going through the permitting process of this Ordinance have satisfied this prerequisite by definition.

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, A brief narrative describing the approach and methods used to meet the prerequisite intent, and how community engagement has influenced the project.

**C. Housing Diversity**

1. CV Credit: 2-3 Points

2. Intent. To enable citizens from a wide range of economic levels and age groups to live within a community.

3. Requirements

- a. Diversity Points: Include a sufficient variety of housing sizes and types in the project such that the total variety of housing within the project, or within  $\frac{3}{4}$  mile of the center of the project, achieves at least 0.5 according to the following calculation, which is based on the Simpson Diversity Index <http://www.countrysideinfo.co.uk/simpsons.htm> using the housing categories below.

The Simpson Diversity Index score is calculated with the following equation:

Score =  $1 - \sum (n/N)^2$ , where n = the total number of dwellings in a single category, and N = the total number of dwellings in all categories.

- b. Rural Communities (less than 5,000): Score on the Simpson Diversity Index Points Earned

i.  $\geq 0.5$  and  $< 0.6$  score – 1 point

ii.  $\geq 0.6$  score – 2 points

- c. Small Communities (between 5,000 and 20,000): Score on the Simpson Diversity Index Points Earned:

i.  $\geq 0.5$  and  $< 0.6$  score – 1 point

ii.  $\geq 0.7$  score – 2 points

- d. Large Communities (more than 20,000): Score on the Simpson Diversity Index Points Earned



- i.  $\geq 0.6$  and  $< 0.7$  score – 1 point
- ii.  $\geq 0.7$  score – 2 points
- e. AND FOR AN ADDITIONAL POINT, Include a proportion of rental units priced for households earning below area median income such that at least 15% of total rental units are priced for households up to 50% of area median income.
  - i. 1 point
- f. OR, At least 30% of total rental units are priced for households up to 80% of area median income. Maintain these units at affordable levels for a minimum of fifteen years.
  - i. AND, Include a proportion of for-sale housing affordable to households at or slightly above the area median income such that:
    - a. At least 10% of for-sale housing is priced for households up to 80% of the area median income.
    - b. OR, At least 20% of for-sale housing is priced for households up to 120% of the area median income.
  - ii. 1 point
- 4. Submittals
  - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
    - i. AND, A site plan and/or map showing the location of different types of housing, either within the project; or within a  $\frac{1}{2}$  mile of the center of the project.
    - ii. AND, A brief description with the number of dwelling units in each category, the total number of dwelling units, and the results of the Simpson Diversity Index calculation.
    - iii. AND/OR, A site plan indicating the location of affordable and market rate housing.
  - b. Confirmation of current HUD data regarding the area median income and the resulting maximum monthly rents or sale prices.
  - c. A table showing the number of affordable and market rate housing units, the rental and/or sale prices of any affordable units, and a calculation of the percentage of rental and/or sale units that are priced within the specified range.

**D. Mixed Use**

- 1. CV Credit: 1-2 Points
- 2. Intent. To promote community livability, transportation efficiency, and walkability through proximity and accessibility. And to encourage safe day and night community activity.
- 3. Requirements
  - a. Include a residential component in the project and, if needed for a large project, achieve a zoning change that allows for mixed use development.

- b. Design or locate project such that the majority of the project is within a ½ mile of uses in at least five (1 point), or ten (2 points) of the following non-residential use categories:
- i. Everyday retail (convenience, general, grocery, drug, hardware, gas, laundry)
  - ii. Discretionary retail (restaurants, bookstores, departments stores, specialty shops)
  - iii. Entertainment (movies, theaters, concert halls, music and performance venues)
  - iv. Educational facilities (daycare, schools, college, university)
  - v. Religious (including cemeteries)
  - vi. Government services (city hall, court, jail, police station, fire station, post office, motor vehicle admin.)
  - vii. Other civic buildings (library, museum, community center, transportation depots/stations/terminal)
  - viii. Offices (not counting home-based, small, personal offices)
  - ix. Medical (hospital, clinic, private offices)
  - x. Public recreational facilities: (playing courts, sports fields, walking/equestrian trails, bicycle paths)
  - xi. Light industrial services ( auto repair, warehouses)
  - xii. Nurseries, farmer's markets , public community gardens

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
- b. AND, A site plan showing the location of all residential units and the relevant uses within a ½ mile walking distance.

**E. Business/Employment Opportunities**

- 1. CV Credit: 1-2 Points
- 2. Intent. To encourage balanced communities with a diversity of employment opportunities while reducing energy consumption and pollution from motor vehicles.
- 3. Requirements
  - a. Include a residential component equaling at least 25% of the project's total building square footage, and locate the project within a one mile walking distance of a number of pre-project jobs equal to or greater than 50% of the number of dwelling units in the project.
    - i. 1 point
  - b. AND/OR, Include a non-residential component equaling at least 25% of the project's total building square footage, and locate on an infill site that is within a one mile walking distance of an existing and operational transit stop, and within a one mile walking distance of a number of existing dwelling units equal to or greater than 50% of the number of new jobs created as part of the project.

1 i. 1 point

2 4. Submittals

- 3 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
4 declaring that the requirements have been met.
- 5 b. AND, A calculation demonstrating that at least 25% of the project's built square  
6 footage is residential.
- 7 c. A site plan and/or map showing the location of relevant dwelling units within the  
8 project, nearby pre- project jobs, and walking routes to those jobs.
- 9 d. EITHER, A calculation showing that the number of pre-project jobs is equal to or  
10 greater than 50% of the number of dwelling units.
- 11 e. OR, A calculation demonstrating that at least 25% of the project's built square  
12 footage is non-residential.
- 13 f. EITHER, A site plan and/or map demonstrating that the project site is an infill  
14 site, and indicating the location of the relevant transit stop, existing dwelling units,  
15 new jobs created as part of the project, and walking routes to the transit stop and  
16 dwelling units.
- 17 g. OR, A calculation showing that the number of pre-project jobs is equal to or  
18 greater than 50% of the number of dwelling units and connections.
- 19 h. Submit drawings showing the location of the space provided.

20 **F. Public Spaces: Availability and Access**

21 1. CV Credit: 1-2 Points

- 22 2. Intent. To provide public spaces and encourage activity and interaction in the urban  
23 built environment as well as foster and maintain community and connectedness  
24 beyond the development.

25 3. Requirements

- 26 a. Designate all streets and sidewalks that are built as part of the project or serving  
27 the project directly as available for general public use and not gated. These  
28 streets and sidewalks are those that are generally designed to serve the  
29 residents or users of the project. Gated areas and enclaves are NOT considered  
30 available for public use, with the exception of education and health care  
31 campuses where gates are used for security purposes.

32 i. 1 point

- 33 b. OR, FOR RURAL LOCATIONS, Design the project to allow for public access to  
34 adjoining open public lands that are not immediately available through other  
35 locations. This access should be provided whether or not access was provided  
36 prior to development.

37 i. 1 point

- 38 c. AND, FOR AN ADDITIONAL POINT, Contribute to a community place-making  
39 plan by creating at least one node (interior or exterior waiting or meeting space)  
40 and one connection for public space:

- 41 i. Minimum one node or destination such as a library, coffee shop, or park per  
42 2 block lengths.

- ii. Minimum one clear pedestrian path connecting nodes and destinations to each other.
- iii. If there is no community plan, the project may demonstrate site analysis and develop a plan to create a public space and connect it to an off-site public space.
- iv. 1 point

4. Submittals

- a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met, and stating that the development is providing required public access and creating a community plan for public spaces and connections.
- b. Submit drawings showing the location of the public space provided.
- c. Submit a site plan and/or map indicating that all streets and sidewalks are available for general public use and indicating locations of surrounding open public lands and available access points.

**08-11-12: Special Credit Opportunities**

**A. Introduction.** Special credit opportunities are envisioned to go beyond LEED and GY-Framework requirements and to address specific regional issues. Since the time of Native American migrations through development of permanent settlements, the creative contributions of individuals and projects to the region have been invaluable resources for today and the future. Encouragement and recognition of these contributions has been noted and can continue for future generations. This credit category recognizes "Other Innovations" that are specific to the project but replicable by other projects, sharing of lessons learned, and sustainable leadership in the region that has not been addressed in this document.

This credit category also recognizes the challenges and opportunities in two of the region's primary economic drivers, agriculture and extraction industries. Many of the practices of early pioneers teach sustainable strategies and techniques that preserve the land for future harvests. Many of these have been lost, overcome by technology advancements. Some new methods greatly improve environment over previous practices. The GY-Framework was developed to support cultivation of productive farm and ranch lands that are managed in concert with the ecosystem processes and that contribute to the stability of rural families and communities. Sustainable farms and ranches who take a holistic approach to lessening negative environmental impacts can be recognized for their achievements in this category.

Addressing site issues is an everyday challenge for extraction industries, particularly since the region's ecosystem is so fragile and its protection is essential to the future of the region. Best practices and beyond are encouraged through this credit category for extraction projects that are able to demonstrate leadership during operations and upon closure of the site.

Throughout the GY-Framework, use of LEED as a design and rating tool is strongly encouraged. For those projects that invest in the rigor and leadership needed to third-

1 party certify regional projects, this credit category recognizes exceptional LEED  
2 performance.

3 **B. Exceptional LEED Performance**

4 1. SCO Credit: 1-3 Points

5 2. Intent. To demonstrate exceptional green building leadership.

6 3. Requirements

7 a. Certify a large percentage of habited buildings in the applicable Leadership In  
8 Energy and Environmental Design (LEED) program at the Gold or Platinum level.

9 b. LEED Certification - Exceptional Performance | Gold | Platinum

10 c. 50% of habited built area | 1 point | 2 points

11 d. At least 80% of habited built area | 2 points | 3 points

12 4. Submittals

13 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
14 declaring that the requirements have been met.

15 b. AND, Submit copy of LEED certification for each building.

16 **C. Sustainable Agriculture**

17 1. SCO Credit: 3 Points

18 2. Intent. To support cultivation of productive farm and ranch lands that are managed in  
19 concert with ecosystem processes and that contribute to the stability of rural families  
20 and communities.

21 3. Requirements. Manage farm and ranch land under one or more government,  
22 nonprofit, or cooperative program that follow the basic tenets of holistic or sustainable  
23 resource management. Credits will be awarded based on the extent to which  
24 agricultural practices build biodiversity and maintenance of ecosystem functioning,  
25 enhance production and farm/ranch profitability, and contribute to the quality of life of  
26 rural communities. Up to three points can be acquired as follows:

27 a. Participate in at least one of NRCS's (Natural Resources Conservation Service)  
28 reserve, watershed or stewardship programs.

29 i. 1 point

30 b. AND/OR, Achieve and maintain certification in Holistic Resource Management or  
31 an equivalent operator program that advances sustainable agriculture.

32 i. 1 point

33 c. AND/OR, Achieve certification in organic or natural food program or operate  
34 within a grower's cooperative (such as Country Natural Beef) that emphasizes  
35 sustainable practices.

36 i. 1 point

37 4. Submittals

38 a. Provide the GY-Framework Letter Template, signed by the responsible party,  
39 declaring that the requirements have been met.

40 b. AND, Provide evidence of participation (in sustainable AG program) with photos.

1 c. AND, Provide narrative explaining design and community network included.

2 **D. Site Development for Extraction Projects**

3 1. SCO Credit: 3 Points

4 2. Intent. To reduce the impacts of mining and energy resource operations during and  
5 following operations.

6 3. Requirements. Extraction projects undergo two major phases: operation and closure.  
7 For GY-Framework certification, exploration and development activities will be  
8 considered part of operations. The emphasis is on operations, because closure  
9 activities tend to be well-regulated, assuming planning and enforcement are  
10 adequate. All extraction operations must “plan for closure” from the outset, to make  
11 sure that the economics of the project justify true closure costs. To receive the points,  
12 all three of the following plans must be completed.

13 a. Operations Plan. Extraction operations should institute a “Good Neighbor” policy  
14 beginning at the initial planning stages, by instituting an advisory council  
15 comprising representatives of their neighbors and other interest groups. Regular  
16 meetings should be held to allow neighbors to address complaints and concerns.  
17 Visual impacts should be minimized by implementing the following:

18 i. Interim reclamation (“bottom up”), whereby mine waste repositories are  
19 reclaimed as they are placed, rather than when completed.

20 ii. Landscape architecture involvement during planning and operations.

21 iii. Construction of berms.

22 iv. Closure and reclamation of roads on a planned basis, as soon as possible in  
23 the extraction process.

24 v. Building exteriors that avoid typical industrial appearance and are more  
25 consistent with local construction.

26 vi. Construction of excavations and repositories with irregular profiles designed  
27 to mimic surrounding natural slopes or cliffs. In some cases, coloring may be  
28 necessary to allow mine cuts and fills to more readily blend into the  
29 landscape.

30 vii. If timber removal is required, it should mimic natural patterns of forest and  
31 open land to the extent possible.

32 b. Stewardship Plan:

33 i. Extraction operations should practice good stewardship by:

34 a. Reclamation of damage created by previous operations, whether or not  
35 the current operator has the direct responsibility.

36 b. Careful control of noxious weeds, including systematic removal of seeds  
37 from vehicle tires entering the site.

38 c. Use of alternative fuels and energy sources.

39 d. Recycling engine oil and other consumables.

40 ii. Water handling improvements should include the following:

41 a. Diversions should preserve to the extent possible; channel pattern,  
42 sediment yield, and hydraulics.

- b. Open cuts and sedimentation basins should be constructed to perform as wetlands and wildlife habitat during operations.
          - c. Dewatering discharges must be managed to avoid alteration of natural channel hydraulics that result in instability. Water quality of streams should not be degraded. Although existing regulations address limits to degradation, this requirement calls for a higher standard (total non-degradation). Professionals should be involved in planning and implementation.
          - d. Springs and ground water supplies must be protected. The operation should have the opportunity to provide approved temporary replacement sources.
        - c. Closure Plan: Reclamation activities in most cases are addressed by existing regulations. A few possible exceptions are noted below. Others may present themselves depending upon local conditions.
          - i. No approved project shall require long-term water treatment following closure.
          - ii. No approved project shall leave soils permanently degraded from land application of produced water.
          - iii. Reconstructed pre-mining drainages and waterways shall mimic local channel patterns and hydraulics.
  4. Submittals
    - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
    - b. AND, Provide three plan summaries with references to Operations, Stewardship and Closure.
- E. Other Innovations**
1. SCO Credit: 1-3 Points
  2. Intent. To recognize remarkable innovations and encourage exceptional performance in and beyond the scope of the GY-Framework rating system.
  3. Requirements
    - a. Submit in writing the details of the exceptional performance on any GY-Framework Prerequisite or Credit, and the innovative steps taken to be considered.
    - b. LEED innovation credits can be submitted for consideration in this category.\* (\* It is anticipated that some of the GY-Framework Credits will soon be accepted as LEED ID Credits. Points will not be granted for duplicate credits.)
  4. Submittals
    - a. Provide the GY-Framework Letter Template, signed by the responsible party, declaring that the requirements have been met.
    - b. AND, Describe in detail the intent, requirements, submittals and strategies for the innovation.
    - c. AND, If the exceptional performance fits into one of our credit categories, specify which categories and why this should be considered exceptional.

## **CHAPTER 12** Transferrable Development Rights (TDRs)

**08-12-1:** What this Chapter Does. Transferrable Development Rights is a regulatory strategy that harnesses private market forces to accomplish two objectives. First, open space is permanently protected for water supply, agricultural, habitat, recreational, or other purposes via the transfer of some or all of the development that would otherwise have occurred in these sensitive places to more suitable locations. Second, other locations, such as town centers or vacant and underutilized properties, become more vibrant and successful as the development potential from the protected resource areas is transferred to them. In essence, development rights are "transferred" from one area to another. TDRs generally shift development densities within the community to achieve both open space and economic goals without changing their overall development potential.

**08-12-2:** Purpose. This Chapter establishes specific development regulations and guidelines for the transfer of development rights from a sending parcel to a receiving parcel. The goals of this Chapter are to:

- A.** Provide land owners with the ability to purchase and sell development rights;
- B.** Preserve sensitive resource areas in the community such as groundwater reserves, wildlife habitat, agricultural lands, and public access to surface waters;
- C.** Steer development away from such sensitive resource areas to places better suited to increased levels of development such as established mixed use, commercial, residential centers, or residential clustering; and
- D.** Steer development to areas served by existing infrastructure such as established roadways, public water supply system, the centralized sewer collection system, public transit and other utilities.

**08-12-3:** Definitions.

- A.** Development Rights. Those rights to develop, expressed as the maximum number of dwelling units for residential parcels or square feet of gross floor area for non-residential parcels, which could be permitted on a designated sending parcel under the applicable zoning and subdivision rules and regulations in effect on the date of the transfer of development rights. Determination of the maximum number of development rights available for transfer shall be made by the Administrator as part of a Yield Plan.
- B.** Non-residential Use. For the purposes of this Chapter, Non-Residential Use shall include any use allowed in the following districts **[INSERT APPROPRIATE REFERENCE TO COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ZONING]**.
- C.** Sending Area. An overlay zoning district established by Teton County upon recommendation from the Commission as an area in which use or development should be restricted. The Sending Area serves as a region from which development rights may be transferred to a Receiving Area, but may be within the same zone for intrazone transfer.



- 1 **D.** Receiving Area. An overlay zoning district established by Teton County upon  
2 recommendation from the Commission as an area suitable to receive transferred  
3 development rights, but may be within the same zone for intrazone transfer.
- 4 **E.** Residential Use. For the purposes of this Chapter, residential use shall include any  
5 allowable residential use identified in this Ordinance.
- 6 **F.** Transfer of Development Rights (TDR). The transfer from a sending parcel to a receiving  
7 parcel of development rights.
- 8 **G.** Yield Plan. A conceptual site plan demonstrating the extent of development that COULD  
9 occur on a sending parcel in accordance with the provisions of this Chapter and other  
10 provisions of this Ordinance, as they are applicable.

11

12 **08-12-4: Establishment of Sending/Receiving Areas**

13 **A.** Intrazone (within a zoning district)

- 14 1. Rural Agriculture Zone. Any parcel may qualify as either a Sending Area or a  
15 Receiving Area in the Rural Agriculture Zone.
- 16 2. Rural Agriculture TDR Criteria for Approval. The Commission shall grant a TDR  
17 Permit if they conclude that the applicant has met the requirements of this Chapter  
18 and this Ordinance, including:
- 19 a. Complete Application, as required herein.
- 20 b. Compliance with all Absolute Standards.
- 21 c. Compliance with the appropriate level of Relative Standards for the Rural  
22 Agriculture Density Yield sought by the applicant.
- 23 d. Evidence of sufficient sending TDRs appropriate to the Rural Agriculture Density  
24 Yield sought by the applicant, as required herein.

25 **B.** Interzone (from one zoning district to another)

- 26 1. Sending Areas. Sending Areas are overlay districts, shown on the zoning map on file  
27 with the County Clerk entitled [INSERT TITLE] and dated [INSERT CITATION], and  
28 include the following resource areas:
- 29 a. Wellhead protection areas.
- 30 b. Locations of historic and/or cultural significance.
- 31 c. Land areas providing public access to waterways, forests or other public  
32 resources.
- 33 d. Areas of Critical Environmental Concern.
- 34 e. Prime Farmland.
- 35 f. Areas identified as Priority Habitat or Estimated Habitat for Rare or Endangered  
36 Species.
- 37 2. Receiving Areas. Receiving Areas are overlay districts, shown on the zoning map on  
38 file with the County Clerk entitled [INSERT TITLE] and dated [INSERT CITATION], in  
39 districts/zones in the County defined as a growth activity center by the Plan and this

Ordinance and shall not include any areas included within Paragraph B.1, above, except for allowed intrazone transfers as defined in Paragraph A.

3. Parcel Partially Contained in Sending Areas. Where the boundary of a Sending Area divides a lot, only that portion of the lot within the sending district can be used to quantify Development Rights. The amount of residential or non-residential development that may be transferred shall be determined by the amount of development shown within the Sending Area on the Yield Plan as described in Section 08-12-7A.1, below.

#### **08-12-5: Transfer of Development Rights Program Guidelines**

##### **A. Transfer of Development Rights.**

1. Applicants in the Receiving Area may purchase development rights from a land owner in the Rural Agriculture Zone as part of an application to the Commission. Transfer of Development Rights for Residential Use can only be made to Receiving Area parcels where some form of Residential Use is allowed by right. Likewise, Transfer of Development Rights for Non-Residential Use can only be made to Receiving Area parcels where some form of Non-Residential Use is allowed by right.
2. The program is designed to allow for Transfer of Development Rights between subsets of these larger use categories (Residential and Non-Residential). For example, the rights derived from single-family home lots in the Sending Area can be used to develop condominiums in a Receiving Area as long as condominiums are allowed in the underlying Zoning District. Likewise, the rights derived from a retail parcel in the Sending Area could be used to develop office space in the Receiving Area as long as office space is allowed by the underlying Zoning District.

##### **B. Determining Development Rights for Residential and Non-Residential Development**

1. Transfer of Development Rights for residential development shall be performed on a "per unit" basis.
2. Transfer of Development Rights for non-residential development shall be performed on a "square footage" basis as it applies to gross floor area.
3. In each case, the number of Development Rights that may be transferred from the Sending Area shall be 1.5 times the amount of Development Rights determined from a Yield Plan (Section 08-12-7A.1).

#### **08-12-6: Pre-Application.**

- ##### **A. Conference.**
- The applicant is very strongly encouraged to request a pre-application review (Sketch Plan) at a regular business meeting of the Commission. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Commission at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed Transfer of Development Rights, seek preliminary feedback from the Commission and/or its technical experts, and set a timetable for submittal of a formal application. The Commission may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a Rural District Special Permit.

1 **B.** Submittals. In order to facilitate review of the Rural Agriculture proposal at the pre-  
2 application stage, applicants are strongly encouraged to submit a Sketch Plan (08-3-  
3 4.B.3.f). This map illustrates the location of parcels within their respective Districts  
4 (Sending and Receiving), as well as basic information regarding the size of each parcel,  
5 the status of ownership and general location of resource areas in the Sending Area.  
6

7 **08-12-7:** Application for TDR.

8 **A.** Application Required. An application for Transfer of Development Rights shall be  
9 submitted on the form(s) provided by the Planning and Building Department. Applicants  
10 for a Transfer of Development Rights shall also file with the Planning and Building  
11 Department copies of a Sketch Plan. The Sketch Plan shall include a Yield Plan for the  
12 Sending Area and a Site Plan for the Receiving Area.

13 1. Yield Plan – Sending Area. Applicant shall submit a Yield Plan for the **Sending Area**  
14 parcel that illustrates the number of units of residential development or Gross Floor  
15 Area for non-residential development that could be developed in the underlying  
16 district using the guidelines provided in **Section 08-12-5** of this Chapter. A Yield Plan  
17 shall include:

- 18 a. Parcel boundaries, north point, date, legend, title “Yield Plan,” and scale.
- 19 b. The name and address of record of the owner(s), the applicant, and the  
20 professional that prepared the plan.
- 21 c. The location and description of the Sending Area(s) that apply to the site.
- 22 d. The names, approximate location, and widths of adjacent streets.
- 23 e. All on-site local, state, and federal regulatory resource boundaries and buffer  
24 zones shall be clearly identified, and all wetland flag locations shall be numbered  
25 and placed upon the Sketch Plan.
- 26 f. Lines showing potential residential or non-residential lots with approximate areas  
27 and frontage dimensions, or unit placements and proposed common areas.
- 28 g. Footprints of non-residential buildings with an accompanying calculation of the  
29 potential Gross Floor Area.
- 30 h. Location and extent of parking, landscaping, stormwater management, and  
31 wastewater management service areas that would be required to accommodate  
32 the use.

33 2. Site Plan – Receiving Area. A Site Plan for the proposed **Receiving Area** shall be  
34 prepared by a professional and shall address the general features of the land, and  
35 give approximate configurations of the lots, buildings, and roadways. The Sketch  
36 Plan shall include the following where applicable:

- 37 a. All requirements of the Sketch Plan (08-3-4.B.3.f).
- 38 b. A clear distinction between the “by right” development rights versus the  
39 transferred development rights for the proposed application.

40 **B.** Procedures. The Commission shall process the TDR application as a Special Use  
41 Permit, **Chapter 3**, combined with any other relevant concurrent application permits.

1 **C.** Condition of Approval. The Commission shall require, as a condition of application  
2 approval under this Chapter, that the owner of record of any and all sending parcel(s) in  
3 the Sending Area record with the County Clerk a Conservation Restriction set forth in  
4 **Section 08-12-8**, below.

5  
6 **08-12-8:** Title Recordation, Tax Assessment and Restriction of Development Rights

7 **A.** All instruments implementing the transfer of development rights shall be recorded in the  
8 manner of a deed in the County Clerk's office of the jurisdiction for both sending and  
9 receiving parcels. The instrument evidencing such TDRs shall specify the lot and block  
10 number of the sending parcel(s) and the lot and block number of the receiving parcel(s).

11 **B.** The County Clerk shall procure all pertinent information required by the County Assessor  
12 to value, assess and tax the respective parcels at their fair market value as enhanced or  
13 diminished by the TDRs represented by the deeds for both the sending parcel(s) and  
14 receiving parcel(s).

15 **C.** The owner of record of the sending parcel(s) shall, within forty-five (45) days of receipt of  
16 a special permit authorizing TDRs, record at the County Clerk's office a Conservation  
17 Restriction as defined in this Ordinance running in favor of the County, the State of  
18 Idaho, or an independent trust prohibiting, in perpetuity, the construction, placement or  
19 expansion of any new or existing structure or other development on said sending  
20 parcel(s). Evidence of said recording shall be transmitted to the Commission, indicating  
21 the date of recording and deed book and page number at which the recording can be  
22 located. The grant of the permit to transfer development rights shall be conditioned upon  
23 such restriction, and no permit for a transfer of development rights shall be effective until  
24 the restriction noted above has been recorded at the County Clerk's office.

25  
26 **CHAPTER 13** Signs

27 **08-13-1:** What this Chapter Does.

28  
29 **08-13-2:** Purpose; Intent. The purpose of this chapter is to allow the reasonable display of  
30 signs to identify homes, public buildings, cultural, professional and business  
31 establishments and to advertise products and services for the information and  
32 convenience of the people and the flourishing of enterprise. This chapter sets  
33 forth uniform standards for the fabrication and placement of signs in the county  
34 with the intent of making it easier and less costly for businesses and individuals  
35 to have their messages seen while preserving the character of the community as  
36 described in the county comprehensive plan.

37  
38 **08-13-3:** Applicability.

39 **A.** Sign DEFINED: For the purposes of this chapter, the term "sign" shall mean a display of  
40 letters, numbers, illustrations, symbols, lights or devices erected to attract attention to  
41 the subject matter for advertising purposes.

1 **B.** Scope: This chapter regulates all exterior signs, permanent or temporary, and interior  
2 signs intended to be visible from outside the buildings, in which they are installed, within  
3 the county, outside the city limits of Victor, Driggs, and Tetonia, with the exception of the  
4 types of signs listed in the following subsection.

5 **C.** Exemptions: Signs exempted from regulation are:

- 6 1. Official Signs: Traffic signs, guidance signs, welcome signs and official notices  
7 placed by a public agency;
- 8 2. Private Traffic Signs: Private traffic signs that are similar in design and size to the  
9 official signs and do not confuse the intent and operation of the official signs;
- 10 3. Individual, Nonprofit Organization Flags: Flags of individuals and nonprofit  
11 organizations are allowed, one each per location, provided they are no larger than 20  
12 square feet in area and are not attached to a sign;
- 13 4. Historic: Historic site markers, commemorative tablets and signs that name buildings  
14 or give their date of construction;
- 15 5. Murals; Sculptures: Murals and sculptures displayed as art and not connected with  
16 advertising of a business;
- 17 6. Time and/or Temperature: Time and/or temperature signs whereon time and  
18 temperature are the only changeable copy and the remaining copy is limited to the  
19 sponsor's name;
- 20 7. Political: Political campaign signs pertaining to a specific election, provided they are  
21 displayed no earlier than 60 days before the election and removed within ten (10)  
22 days after the election;
- 23 8. Owner/Occupant Identification: Owner or occupant identification signs for residential  
24 structures, provided they do not exceed one square foot in area (for example, 6" x  
25 24");
- 26 9. Private Warning: Private warning signs up to six (6) square feet in area;
- 27 10. Sale, Lease, or Rent: Property owner and/or realtor signs for sale, lease or rental if  
28 they do not exceed six (6) square feet in area, one sign per street frontage of  
29 property where they are displayed on the property owner's real property; in addition,  
30 one directional sign will be allowed for each property noticed for sale. (amended  
31 12/13/2012)
- 32 11. Window Display: Window displays of business enterprises;
- 33 12. Construction Sites: Construction sites signs up to 24 square feet in area, one sign  
34 per street frontage at the site;
- 35 13. Informative Signs: "Open/closed", "vacancy/no vacancy", business hours and credit  
36 card acceptance signs up to three (3) square feet in area, one sign of each type per  
37 frontage at each business location;
- 38 14. Special Event: Special event signs where the event lasts no longer than five (5) days;
- 39 15. Signs on Vehicle: Signs on a vehicle, provided the vehicle is not left standing in a  
40 conspicuous place for the purpose of advertising for more than 72 hours;
- 41 16. Temporary Signs or Banners: Temporary signs or banners advertising grand  
42 openings (on a one-time basis), sales or events sponsored by nonprofit groups, or  
43 garage or yard sales, provided the sign is located entirely on private property and is

not supported by structures located on public property. "Temporary" shall mean in place no earlier than 15 days before the event and removed the day after the event.

17. Flags: Flags of the official United States and Idaho state flags.

**08-13-4: Permit Required (Amd. 11/15/2012):**

- A.** Required; Fee: It is unlawful to erect, alter or relocate any sign not exempted from these regulations without first obtaining a sign permit from the office of planning and zoning.
- B.** Fee: The fee for a sign permit is one dollar (\$1.00) per square foot of sign area with a minimum of ten dollars (\$10.00) and a maximum of \$50.00 per permit and is subject to change without notice.
- C.** APPLICATION: Applications for sign permits must be accompanied by legible plans or designs and specifications stating clearly the dimensions, structure, materials, colors and lighting, if any, and plan of installation stating clearances and setbacks.
- D.** AUTHORITY TO APPROVE: The planning administrator has the authority to approve any sign permit except for variances and matters of spacing. The planning administrator's decision may be appealed to the planning commission.
- E.** SEASONAL SIGNS: Seasonal signs may be removed for the off-season and reinstalled without a new sign permit, provided they are not structurally altered and they otherwise conform to these regulations. Maintenance and repainting of signs shall not require a new permit.

**08-13-5: Design And Construction Standards**

- A.** DEFINITIONS: The following definitions should be used in interpreting the standards and making permit applications:
  - 1. AREA: The area of all faces within the perimeter that forms the outside shape of the sign including the frame, but not including the uprights or brackets necessary to support the sign. For the purpose of this chapter, however, a flat sign shall be considered to have the area of one of its faces whether the second face is used or not.
  - 2. CANOPY SIGN: A sign attached to or constructed in or on a canopy or marquee over a sidewalk or passageway.
  - 3. DIRECTIONAL SIGN: A sign indicating a route to a location.
  - 4. FREE STANDING SIGN: A sign erected on a supporting framework that is not attached to any building.
  - 5. OFF-PREMISES: Shall be defined as, but not limited to, Idaho Code subsection 40-1910A(2)(a) 1. See also subsection E of this chapter.
  - 6. ON-PREMISE: A sign that advertises the goods, services, and activities on the premises on which the sign is located. All other signs will be considered offpremises signs.
  - 7. PREMISES: That piece of land.
  - 8. PROJECTING SIGN: A sign attached to a building with the sign projecting outward away from the wall.

- 1                   9. SETBACK: The distance from the sign to the nearest property line.
- 2                   10. TEMPORARY: A sign in place no earlier than 15 days before the event and removed
- 3                   the day after the event.
- 4                   11. WALL SIGN: A sign painted on, attached to or erected against the wall of a building
- 5                   with the signs face parallel to the wall.

6   **B.     HEIGHT LIMITS:**

- 7                   1. Freestanding Signs: Freestanding signs may be erected to a height no greater than
- 8                   20 feet above the ground.
- 9                   2. Wall Signs: Wall signs may extend beyond the wall on which they are displayed no
- 10                  more than one foot (12") in any direction.
- 11                  3. Projecting Signs; Canopy Signs: Projecting signs and canopy signs may not be less
- 12                  than seven and one-half feet (90") from the ground above which they are suspended.

13   **C.     SETBACK REQUIREMENTS:**

- 14                  1. Freestanding Private Signs: Freestanding private signs shall be permitted to stand in
- 15                  public rights of way.
- 16                  2. Projecting Signs: Projecting signs must be a minimum of 18 inches from a line
- 17                  extending vertically from the nearest street curb, or if the curb is absent, from the
- 18                  property line.
- 19                  3. Obstruction Prohibited: No signs shall be permitted that obstructs a clear view of
- 20                  traffic control devices from the street.
- 21                  4. Interference Prohibited: No sign shall be permitted that interferes with a fire escape
- 22                  exit, or standpipe or that obstructs an opening for ventilation or light.
- 23                  5. Overhead Electrical Conductors: Signs shall be located no less than six feet (72")
- 24                  horizontally or 12 feet vertically from overhead electrical conductors that are
- 25                  energized in excess of 750 volts unless such conductors are enclosed in an iron pipe
- 26                  or other material of equal strength. \* See subsection E1 of this section for definition of
- 27                  "off-premises outdoor advertising".
- 28                  6. Setbacks:
- 29                   a. Highways: Setbacks from the highway shall be a minimum of 50 feet.
- 30                   b. Other Roads: Setbacks from other roads shall be a minimum of 35 feet from the
- 31                   edge of the road.
- 32                   c. Distance from Other Signs: Signs shall not be located any closer than 660
- 33                   horizontal feet from any other advertising sign.

34   **D.     CONSTRUCTION:**

- 35                  1. Conformance Required: Material and construction of all permanent signs shall
- 36                  conform to the standards of the uniform building code adopted by the county.
- 37                  2. Wind and Seismic Loads: Signs must withstand the wind loads and seismic loads set
- 38                  forth in the uniform building code. Bracing systems shall be constructed to transfer
- 39                  lateral forces to the foundations. Signs on buildings shall transmit dead weight and
- 40                  lateral loads through the structural frame of the building to the ground in a manner
- 41                  that will not overstress any elements thereof.

- 1 3. Colors: Colors shall be normal spectrum colors, including shades of tints thereof, plus  
2 gold and silver. Fluorescent, loud and/or gaudy colors are prohibited. Reflective  
3 finishes may be used for lettering only.

4 **E. OFF-PREMISES SIGNS (amended 12/13/2012):**

- 5 1. Definition: Idaho Code subsection 40-1910A(2)(a):" Off-premises outdoor advertising"  
6 means any outdoor sign, display, light, device, figure, painting, drawing, message,  
7 plaque, poster, billboard, or other thing which is designed, intended or used to  
8 advertise or inform and which is situated in order to be visible from any highway, or  
9 other traveled way and which is located on property which is separate from and not  
10 adjoining the premises or property on which the advertised activity is carried out.
- 11 2. Off-Premise Outdoor Advertising Signs: As of January 1, 2013, Teton County sign  
12 permits will not be issued for new off-premise outdoor advertising signs along the  
13 State of Idaho designated Scenic Byway routes, which include Highways 31, 32, and  
14 33 and Ski Hill Road. The following exceptions apply:
- 15 a. State Approved Single Business Off-Premise Outdoor Advertising Signs that  
16 meet State of Idaho Transportation Department dimensional and design  
17 standards. These signs are located in the state highway right-of-way and must be  
18 approved by the State and also require a Teton County sign permit. These signs  
19 are the Idaho Transportation Department Business Panel type signs, which are  
20 oriented to the needs of tourists.
- 21 b. State Approved Multi-business Signs: Multiple businesses signs advertising two  
22 (2) or more off-premise businesses may be permitted within the rights-of way of  
23 Highway 31, 32, or 33. The dimensional and design standards of the State shall  
24 apply. A sign permit issued by Teton County and approved by the State is  
25 required. These signs may include the Idaho Transportation Department Multi-  
26 Panel type signs shown below, which are oriented to the needs of tourists.
- 27 3. State Approved Tourist Oriented Directional Signs, as defined by the Idaho  
28 Transportation Department, may obtain a permit and be approved by the Idaho  
29 Department of Transportation. These signs are legally placed within the state  
30 highway right-of way and shall require a sign permit issued by Teton County as well  
31 as the State.

32 **F. PROHIBITED SIGNS:**

- 33 1. Wind-Blown Streamers, Pennants, and Balloons: Wind-blown streamers, pennants,  
34 and balloons are prohibited except on temporary signs.
- 35 2. Rotating, Swinging or Moving: Rotating, swinging or otherwise moving signs or parts  
36 are prohibited.
- 37 3. Internally Lit Signs: Internally lit signs or signs with moving or flashing lights or other  
38 animated decorations are prohibited unless exempted in this chapter.
- 39 4. Neon Lighting: Neon lighting, except inside buildings, is prohibited.
- 40 5. Portable Signs: Portable signs (signs not attached to the ground or building) are  
41 prohibited except in the temporary situations exempted in this chapter.
- 42 6. Changeable Copy Signs: Changeable copy signs are prohibited except the following:
- 43 a. Time/Temperature Signs: Time/Temperature signs exempted in this chapter.
- 44 b. Theater Marquee Signs: Theater marquee signs for films, plays and other shows;



- 1 c. Tavern, Café Signs: Tavern and café signs for changing entertainment, one per  
2 establishment;  
3 d. Fuel Station: Fuel station price signs, two (2) per station.  
4 e. All permitted changeable copy signs must conform to the other regulations of this  
5 chapter.

6 **G. PERMITTED SIGNS:**

- 7 1. Outdoor Posters: Outdoor posters up to 12 square feet in area are permitted if  
8 displayed in cases permanently attached to a building or other structure.  
9 2. Subdivision Signs: One on-premises, 32 square foot, permanent, unlit, identification  
10 and directional sign shall be allowed for a subdivision.  
11 3. Occupation Signs: Customary residential, professional, and home occupation signs,  
12 not to exceed six (6) square feet in area, may be erected in any districts.  
13 4. Information Signs: One on-premise information sign in conjunction with commercial  
14 or industrial uses, provided that the surface area does not exceed 32 square feet.  
15 5. Agricultural Businesses: Agricultural businesses are allowed one on-premises sign  
16 not larger than 32 square feet.  
17 6. Entry Gate: Entry gate sign shall be permitted for ranch and subdivision identification.  
18 7. Posting Notices: Posting notices may be erected anywhere on a parcel of land, as  
19 long as they are spaced no closer than the minimum spacing provided by state laws,  
20 and the sign face does not exceed two (2) square feet, i.e., "No Trespassing", etc.  
21 8. Business Not Located in Shopping Center: One on-premise, permanent sign per  
22 street frontage for a business not located within a shopping center provided the  
23 surface area does not exceed 32 square feet, 20 in height, and may be lit upon  
24 approval.  
25 9. Signs Located On Building: One permanent sign located on a building for the  
26 occupant as listed in Table A. The size of a sign is calculated from the linear feet of  
27 the occupant's share of building frontage on street, sidewalk or parking lot.

28 **TABLE A**

29 **Occupant's Frontage In Linear Feet Sign Area in Square Feet**

30	60 15-30
31	70 30-45
32	80 45-60
33	90 60-75
34	100 75-90
35	125 over 90

36 **H. NONCONFORMING SIGNS:**

- 37 1. Definition: A nonconforming sign is any sign that was in place prior to December 8,  
38 1997, but does not conform to the requirements of this chapter as it may be amended  
39 from time to time.

2. Alteration; Relocation; Destruction: Nonconforming signs that are to be structurally altered as to size and shape, relocated, or destroyed by an act of God, or the business nature and/or ownership has changed shall be made to conform at the time of the change and a permit applied for.
3. Continuance of Existing Signs: Each sign that was physically in place prior to December 8, 1997, and which does not conform to the requirements of this chapter, may be continued for a maximum of three (3) years and no longer, this includes, but is not limited to, all lease signs, off-premises signs, and on-premises signs.
4. Spacing or Minor Physical Nonconformity: Preexisting signs with a spacing or minor physical nonconformity may be dealt with as a variance.

**I. MISCELLANEOUS:**

1. Business Signs: Any business sign can be either single- or double-faced as long as the same business is displayed on both sides.
2. Permanently Closed Business: If any business is permanently closed, any signs pertaining to that business must be removed within 30 days.

**08-13-6:** Sign Removal. Any sign deemed defective or dangerous by the building official shall be repaired or removed by the owner within a time period set by the building official, depending on the perceived danger. If the sign is not removed within the designated time the building official shall have it removed and a \$100.00 fine shall be assessed. Any cost incurred in the sign removal that exceeds the fine shall be paid by the owner. Unpaid costs shall be considered a lien against the property.

**08-13-7:** Appeal.

**A. RIGHT TO APPEAL:** The sign applicant may appeal the decision of the Planning Administrator, provided the written appeal is filed with Planning Department within five (5) working days after the decision of the Planning Administrator is made. (amd. 2011-05-12)

**B. COMMISSION ACTION:** The Planning & Zoning Commission, acting as the Commission, shall schedule to hear the appeal during their next available regular meeting, but no later than 45 days after the appeal request is received. The Commission shall approve, disapprove, or modify the action of the Planning Administrator. (amd. 2011-05-12)

**08-13-8:** Variance Procedure. The planning and zoning commission may recommend to the board of county commissioners, as a result of unique circumstances such as topographical – physical limitations, a variance from the provision of this chapter on a finding that undue hardship results from the strict compliance with specific provisions or requirements of this chapter or that application of such provisions or requirements is impractical. The variance procedure of Chapter 3 shall be followed.

**CHAPTER 14 Nonconformities**

**08-14-1:** What this Chapter Does. The purpose of this Chapter is to establish regulations and limitations on the continued existence of uses, lots, structures and signs established prior to the effective date of this development code that do not conform to the provisions of this development code. Many such nonconformities may continue, but the provisions of this Chapter are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this development code.

**08-14-2: Nonconforming Uses**

**A.** Authority to Continue. Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of Sections **B** through **C** below.

**B.** Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this Chapter shall not be deemed to authorize any violation of Sections **C** through **E** below.

**C.** Extensions. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.
3. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this development code or any amendments to this code, any use limitations established for the district in which such use is located.
4. New construction, reconstruction or structural alteration.

**D.** Relocation. No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other tract or lot, unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district in which the structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use conforms to all the regulations of the district in which such use of land is located after being so relocated.

**E.** Change in Use. A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For

purposes of this paragraph, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and the permitted use has commenced and continued for a period of seven days.

**F.** Abandonment or Discontinuance. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days, such use shall not thereafter be reestablished or resumed, regardless of any intent not to abandon and to resume such use. Discontinuance or abandonment for time to obtain a permit or license to operate or keep the nonconforming use, or due to a suspension, revocation, injunction, or loss of such permit or license, shall not toll any portion of the 365 days. Operation of any nonconforming use without a license or permit required of the owner or operator, for 365 consecutive days, shall constitute a termination of the nonconforming use. Revocation of a license to operate a nonconforming adult oriented establishment or to provide adult entertainment in a nonconforming location shall terminate such nonconforming use. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

**G.** Damage or Destruction

1. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless the structure and the use will conform to all regulations of the district in which the structure and use are located. The prohibition against restoration within this Sub-section shall not apply to the restoration or repair of any damaged or destroyed public utility facility built prior to the effective date of this development code.
2. When such damage or destruction is 75% or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 12 months of the date of such damage or destruction.

**08-14-3: Nonconforming Structures**

**A.** Authority to Continue. Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which the structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of Sections **B** through **D** below.

**B.** Enlargement, Repair, Alterations. Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure (see **Chapter 3** for special requirements applicable to any development where a maximum setback applies).

**C.** Damage or Destruction

1. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75% of the fair market value of such structure

1 immediately prior to such damage, such structure shall not be restored unless it will  
2 conform to the regulations of the district in which it is located. The prohibition against  
3 restoration within this Sub-section shall not apply to the restoration or repair of any  
4 damaged or destroyed public utility facility built prior to the effective date of this  
5 development code.

- 6 2. When such nonconforming structure is damaged or destroyed, by any means by 75%  
7 or less of the fair market value of the structure immediately prior to such damage,  
8 such structure may be repaired or reconstructed, provided that the repairs or  
9 restorations begin and are diligently pursued to completion within 12 months of the  
10 date of such damage.

- 11 **D.** Relocation. No nonconforming structure shall be relocated in whole or in part to any  
12 other location on the same or any other lot unless the entire structure shall thereafter  
13 conform to the regulations of the district in which such structure is located after being  
14 relocated.

15  
16 **08-14-4: Nonconforming Accessory Uses and Structures**

- 17 **A.** No use or structure which is accessory to a principal nonconforming use or structure  
18 shall continue after such principal use or structure shall have ceased or terminated,  
19 unless such accessory use or structure shall thereafter conform to all the regulations of  
20 the district in which it is located.

21  
22 **08-14-5: Nonconforming Tracts and Lots Of Record**

- 23 **A.** Authority to Use for Single-Family Residence. In any district in which single-family  
24 detached dwellings are a permitted use, notwithstanding the regulations imposed by any  
25 other provisions of this development code, a single-family detached dwelling which  
26 complies with the restrictions of Section **B** below may be erected on a nonconforming lot  
27 that is not less than 25 feet in width, and which:

- 28 1. Has less than the prescribed minimum tract or lot area, width and depth, or any of  
29 them; and  
30 2. Is shown by a recorded plan or deed to have been a lot of record or tract owned  
31 separately and individually from adjoining tracts of land at a time when the creation of  
32 a lot or tract of such size, depth and width at such location would not have been  
33 prohibited by any zoning or other ordinance; and  
34 3. Has remained in separate and individual ownership from adjoining tracts of land  
35 continuously since **March 1, 1989**.

- 36 **B.** Regulations for Single-Family Use of Nonconforming Tracts and Lots. A nonconforming  
37 tract or lot authorized to be used pursuant to Section **A** above may be used for single-  
38 family dwellings and permitted accessory uses thereto and no other structures.  
39 Construction of the single-family dwelling shall comply with all the regulations (except  
40 tract or lot area, width and depth) applicable to single-family dwellings in the district in  
41 which such tract or lot is located, except that the following side yard requirements shall  
42 apply in place of the side yard requirements otherwise applicable:

1. The dwellings shall be placed on the tracts or lots so as to provide a yard on each side of the dwelling;
2. The sum of the widths of the two side yards on such tracts or lots shall not be less than the smaller of:
  - a. 25% of the width of the tract or lot; or
  - b. The minimum total for both side yards prescribed by the building envelope standards of said zoning district; and
  - c. No side yard shall be less than three feet.

**08-14-6: Nonconforming On-Premise and Off-Premise Signs**

- A.** Applicability. The provisions of this section shall not apply to signs located in any area of impact.
- B.** Removal of Illegal Signs. Any sign in existence on the effective date of this development code that was constructed, erected or maintained in violation of the requirements of ordinances or regulations as previously existing, or any sign erected after the effective date of this development code which does not conform to the requirements of **Chapter 13, Signs**, shall be deemed illegal and removed, or otherwise made to conform with the current requirements of **Chapter 13, Signs**, within 30 days of written notification by the Building Official.
- C.** Signs Granted a Variance. Any sign granted a variance by the Commission may be continued after the effective date of this development code regardless of any nonconformity with these provisions.
- D.** Nonconforming Signs Defined. Any sign in existence on the effective date of this development code that violates or does not conform to the current provisions of **Chapter 13, Signs**, but was constructed, erected, or maintained in accordance with the requirements of previously existing ordinances or regulations, shall be regarded as a nonconforming sign.
- E.** Alteration, Expansion, Moving. No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity; be expanded; structurally altered to prolong its useful life; or removed in whole or in part to any other location where it would be nonconforming. Replacing the support structure of the sign shall be considered structurally altering the sign to prolong its useful life.
- F.** Removal of Nonconforming Signs
  1. Removal by Abandonment, Change of Business
    - a. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
    - b. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of 365 days, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be

re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.

c. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this paragraph.

2. Removal by Damage or Destruction. Any nonconforming off-premise sign which is partially damaged or destroyed by any means, to beyond 50% of its current market value, that is nonconforming to the requirements of Chapter 4.10, Signs, shall not be restored, but shall be removed or reconstructed in conformance with the provisions of Chapter 13, Signs.

3. Removal of Nonconforming Signs Not Repaired Within 60 days. Any nonconforming sign removed for any reason, including voluntary removal, whose reconstruction has not commenced within 60 days shall not be permitted to be replaced unless the replacement sign conforms with all requirements of this development code. A nonconforming sign repaired within 60 days may only be reconstructed or repaired to its original condition as to height, area and in the same location.

4. Removal of Nonconforming Signs Upon Change of Principal Use. Any nonconforming sign shall be removed or brought into compliance with Chapter 13, Signs, immediately upon a change in the principal use of the site.

#### **G. Enforcement of Removal**

1. The Building Official shall conduct an inspection of every sign at least once each year to determine whether said sign conforms with the provisions of this development code, including Chapter 13, Signs, make a written record of each such inspection and make all such reports available for public inspection during regular business hours.

2. If any sign is not removed as required by this section, the Building Official shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this development code.

3. Any owner who fails to remove an illegal sign within 30 days of written notification by the Building Official shall be fined \$50.00 per day until said sign is removed. In the event that an illegal sign is not removed within 90 days of written notification of the owner by the Building Official, Teton County is authorized to remove; but is not required to remove, said sign with all reasonable costs associated with the removal to be paid by the owner. Teton County shall have a lien on the property where the illegal sign was located for all reasonable costs that they incur in removing said sign.

4. Any owner who fails to remove a nonconforming sign within the applicable time, shall be fined \$50.00 per day until said sign is removed. In the event that a nonconforming sign is not removed within the time set forth, Teton County is authorized to remove; but is not required to remove, said sign with all reasonable costs associated with removal to be paid by the owner. Teton County shall have a lien on the property where the nonconforming sign was located for all reasonable costs that they incur in removing said sign.

5. Upon the determination of the Building Official that a sign remains nonconforming after termination of the allowable time periods provided for above, the Building Official shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign. At the end of the 30-day period, if the sign

1 has not been removed or brought into compliance or properly appealed before the  
2 Commission, the Building Official shall initiate al corrective actions.

- 3 6. The removal expense may be made a lien upon such real property by the Building  
4 Official sending by certified mail to the owner of such real property, a notice of lien for  
5 the cost of such removal. The cost of all such mailing and the cost of obtaining the  
6 name and address of the owners shall be part of the cost of such removal.

7 **H.** Forfeiture. Any private sign installed or placed on public property shall be forfeited to the  
8 public and subject to confiscation, unless it conforms to the requirements of **Chapter 13,**  
9 **Signs.** In addition to other remedies granted to it by this section, the Building Official  
10 shall have the right to recover from the owner or person placing the sign, the full costs of  
11 removal and disposal of the sign in a civil action.

12  
13 **08-14-7:** Exception for Repairs Pursuant To Public Order. Nothing in this Article shall be  
14 deemed to prevent the strengthening or restoration to a safe condition of a  
15 building, structure or sign in accordance with an order of a public official who is  
16 charged with protecting the public safety and who declares such structure to be  
17 unsafe and orders it to be restored to a safe condition provided such restoration  
18 is not otherwise in violation of the various provisions of this Article prohibiting the  
19 repair or restoration of partially damaged or destroyed buildings, structures or  
20 signs.  
21

22 **08-14-8:** Exception for Historic Multi-Family Properties. This Article shall not apply to  
23 properties designated as Historic Multi-Family Properties.



- 1    **TITLE 09**    Subdivision Regulations
- 2    **CHAPTER 1**    [Deprecated – everything has been combined in Title 08 – Development
- 3                      Code]
- 4

1    **TITLE 10**    Airport Hazard Zoning

1    **TITLE 11**    Public Ways and Property

1    **TITLE 12**    Flood Damage Prevention

1    **TITLE 13**    Addressing